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ABSTRACT

Emphasizing the fact that the Federal government has failed to recognize the inherent differences of the Hopi and Navajo lifestyles, this study examines the century-old Navajo-Hopi American Indian land dispute; the literature on forced removal of peoples; multi-dimensional stressors associated with the forced relocation of 15 Navajo families; and a proposed model of a relocation assistance program for 3,500 potential Navajo relocatees. Major conclusions are reported as follows: beneath the disputed area or the Joint Use Area (JUA), there are easily exploitable coal deposits of 2.5-25 billion tons, which will make the JUA a matter of economic interest to parties outside the two tribes at a time when energy resource development is a Federal objective; although PL 93-531 provides for herd reduction and relocation cost incentives including acquisition of new land, the Navajo's traditional identification with the land will necessarily cause relocation problems; the 15 Navajo families evicted from District 6 in 1972 evidence three interrelated categories of multidimensional stress (a la Thayer Scudder) which seem to affect peoples subjected to forced removal and which should be considered in the projected removal of the 3,500 Navajos from the JUA; the three stress categories are: psychological stress (grieving for a lost home); physiological stress, which results in increased morbidity and mortality rates; and sociocultural stress, a result of cultural conservation, an inability to adjust to the new area, and a clinging to old customs in a new environment. (JC)

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NAVAJO-HOPI LAND DISPUTE
IMPACT OF FORCED RELOCATION ON NAVAJO FAMILIES

by

Betty Beetso Gilbert

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IMPACT OF FORCED RELOCATION ON NAVAJO FAMILIES

by

Betty Beetso Gilbert

has been approved

May 1977

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NAVAJO-HOPI LAND DISPUTE:
IMPACT OF FORCED RELOCATION ON NAVAJO FAMILIES

by

Betty Beetso Gilbert

A Research Project Presented in Partial Fulfillment of
the Requirements for the Degree
Master of Social Work

ARIZONA STATE UNIVERSITY

May 1977

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...action has been taken in Federal District Court to remove the Navajo families located in district #6. Should the court find that the Navajo families should be moved from district #6, the Bureau of Indian Affairs stands ready to assist these families in their relocation, construction of a new home and any other expenses that might be involved by these particular families.*

*Letter dated March 26, 1969, to Honorable Paul Fannin, United States Senate, from Robert L. Bennett, Commissioner of Indian Affairs.

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INTRODUCTION

This study examines the century-old Navajo-Hopi Indian land dispute; the literature on forced removal of peoples; multi-dimensional stressors associated with the forced relocation of 15 Navajo families; and presents for consideration a proposed model of a relocation assistance program for 3500 Navajo potential relocatees.

During nearly five hundred years of co-occupation of adjacent lands, the Navajo and Hopi have developed and maintained distinctly separate lifestyles. These differences have created much competition between the two tribes for the same land areas.

The sedentary, agrarian Hopi, traditionally living in clustered villages atop mesas, have remained spatially fixed, and today continue to cultivate their small fields and herd domesticated animals in the immediate vicinities of their homes on First, Second, and Third Mesas.[1] Most Hopi grazing activities beyond these narrowly defined areas did not begin until after the establishment of the Executive Order Reservation in 1882.[2]

The Hopis are a highly organized social group with a complex and intricate system of religious beliefs which are very strongly related to their meager and precarious resource base.[3] Their annual cycle of native religious ceremonies is keyed to

supplications for rain and fertility. Village locations are traditionally influenced by springs and ground water for domestic uses, mesa tops (formerly for defense advantages), and canyon mouths where flooding, planting, and harvesting are undertaken.[4]

The Navajos live in matrilineal, matrilocal extended families comprising several household dwellings in close proximity.[5] Navajo extended families are usually dispersed over a specific area where livestock are pastured. After a settlement has been established, it becomes permanent with some families moving their herds seasonally. The use of permanent summer and winter range with dwellings in each location was once more extensive than is now, as crowding has made this practice increasingly difficult.[6]

Vital to Navajo survival is the extended family network which ensures cooperation and aid. This kinship network was developed long ago and has been and remains highly adaptive. Under present conditions this adaptability makes it possible for Navajo people to cope with contemporary economy and other factors which have altered the traditional life pattern.

The Navajo typically are linked closely to their habitat by religious beliefs and the traditional attitudes toward their relationship with Mother Earth and Father Sky. Such ties are characterized by this statement:

> ...to the Navajo, land represents something which is sacred, something which does not have a value in terms of dollars and cents. Similarly, while livestock are bought and sold, the Navajo are basically not a

> materialistic or capitalistic people. They do not consider land and sheep as personal possessions, but rather the means by which they make their livelihoods are considered God-given gifts. The Greeks received olives from the Gods and most Indian tribes received maize from the Gods. In this way the Navajo has been given the land between the Four Sacred Mountains and they have been given sheep....It is difficult for Anglos to appreciate the manner in which Navajos look upon land and livestock.[7]

The settlement of the dispute in the form of Public Law 93-531 represents an effort to formulate a solution to a property rights conflict which began in the sixteenth century when Southern Athabascan peoples (including the present-day Navajo) started their migration onto the Colorado Plateau from the east, possibly via the Great Plains.[8] In Northern Arizona these newly arrived peoples gradually and completely surrounded the small Puebloan villages of the Hopis. Although there was never an attempt by the Navajo to assimilate or eradicate the Hopi, periodic animosities were ignited by Navajo encroachment in the areas immediately surrounding the Hopi villages.

A new American tragedy is threatening the Navajo, the largest Indian tribe in the United States, through the misguided efforts in Congress and the federal courts to uproot them from the Arizona lands their ancestors have occupied for hundreds of years. The forced removal of the Navajo people comes as the culmination of a series of Executive Orders and administrative moves instituted by the federal government since 1882, all of which have failed to recognize the Navajo and Hopi Tribes' historic use of the land. The government, in its mismanagement of the Navajo-Hopi land dispute, has persistently

overlooked the traditional tribal practices and lifeways on the 1882 Executive Order Reservation.

This modern-day assault on the Navajo is a result of the Arizona District Court's partitionment of the 1882 Executive Order Area in northeastern Arizona, lands in which the Navajos have a joint interest with the Hopi Indians. Beginning in 1979, 3500 Navajos residing in the territory awarded to the Hopi Tribe will be forced to leave their homes and lands - lands from which they have for many generations derived their livelihoods.

FOOTNOTES

[1]James M. Goodman and Gary L. Thompson, "The Hopi-Navajo Land Dispute," American Indian Law Review, Vol. 3, No. 2, p. 400.

[2]Ibid., p. 405.

[3]Ibid., p. 403.

[4]Ibid., p. 403.

[5]David F. Aberle, "Another Indian Relocation? When Will They Ever Learn?" University of British Columbia, p. 9.

[6]Ibid., p. 33.

[7]Otto L. Bendheim, M.D., Testimony at the Hearings Before the Committee on Interior and Insular Affairs, 92nd Cong., 2nd Sess. 1972, pp. 231-2.

[8]Ruth M. Underhill, The Navajos, University of Oklahoma Press, p. 6. Also, Goodman and Thompson, "The Hopi-Navajo Land Dispute," op.cit., p. 399.

LEGAL BACKGROUND

Chronological Account of the Navajo-Hopi Land Controversy

1882 The Executive Order of December 16, 1882 established a federal Indian reservation in northeastern Arizona for the Hopi Indians and "such other Indians as the Secretary of Interior saw fit to settle thereon." Subsequently, the 1882 reservation became known as the Executive Order Area and most recently as the Joint Use Area.

1892-1911 Allotment projects were put into operation to get the Hopis off the mesas. Projects were unsuccessful.

1912-1930 Navajos living on the 1882 reservation were settled there by an implied discretionary exercise of the Secretary of the Interior.

1934-1936 The Bureau of Indian Affairs created Land Management Districts for purposes of soil conservation and grazing control. District Six came to be recognized as the area of exclusive Hopi settlement, the rest were considered Navajo areas of land use.

1946 Acting Solicitor for the Department of Interior rendered an opinion that the settlement of the Navajo had been sanctioned and confirmed by the Secretary of Interior, and that their rights were coextensive with those of the Hopi with respect to the natural

resources of the 1882 reservation.

Post World War II — Mineral exploration of Indian reservations prompted the U.S. government to examine the question of legally dividing the Executive Order Area (EOA).

1958 — Public Law 85-547, enacted July 22, 1958, was the vehicle for initiating Navajo-Hopi litigation in resolving the question of legal rights and interests of the respective tribes in the EOA.

1962 — The Healing v. Jones case resulted from the authorization of PL85-547 and in which the District Court of Arizona held that the Navajo and Hopi tribes have "joint, undivided and equal rights and interests as to the surface and subsurface" of the Joint Use Area (JUA) outside District Six, a total of 1,822,000 acres.

1963 — The Healing v. Jones decision was appealed to the Supreme Court by the Navajo Tribe and the decision was affirmed.

1972 — November 10, approximately fifteen Navajo nuclear families belonging to two large extended family systems were evicted from Land Management District Six, the exclusive Hopi Reservation, following a thirty days' notice for "Trespassing on the Hopi Reservation." The families received no compensation for their homes and improvements on their land; and due to an absence of any pre-relocation planning, no alternative homesites had been established.

1972 The District Court of Arizona issued a writ of assistance directing the Navajo Tribe to immediately reduce its livestock and to limit home improvements in the JUA.

1973-1974 A number of legislative bills proposing settlement of the Navajo-Hopi land controversy were introduced in the Ninety-Second and Ninety-Third Congress. Public Law 93-531 enacted December 22, 1974, provided for the final settlement of the Navajo-Hopi Land Dispute. The Act provided for a negotiating period of six months with mediation assistance.

1975 The Navajo and Hopi negotiating teams jointly met with the federal mediator March to September 1975. No specific agreements were reached; the federal mediators' recommendations were submitted to the District Court of Arizona.

1977 On February 10, 1977, U.S. District Court Judge Walsh accepted the proposal submitted by the federal mediators to partition the 1.8 million acres of land as equally as possible between the Navajo and Hopi Tribes along certain recommended boundaries. Consequently, a total of 3,495 Navajo individuals and 32 Hopi individuals will be subject to relocation. The Navajo-Hopi Indian Relocation Commission is to prepare and submit to Congress detailed plans providing for relocation of all affected families within a two-year period following the date of issuance of

the District Court Order.

1980? The Relocation Commission is directed to undertake a program of phased relocation of all affected households, including livestock, within a five-year period from the date on which the relocation plan takes effect.

LEGAL BACKGROUND:

NAVAJO-HOPI LAND DISPUTE, 1882 TO 1977

Establishment of the Executive Order Reservation of 1882

On December 16, 1882, President Chester A. Arthur signed an Executive Order establishing a federal Indian reservation of approximately 2,500,000 acres of land in what is now northeastern Arizona "...for the use and occupancy of the Moqui (Hopi) and such other Indians as the Secretary of Interior saw fit to settle thereon..."[1] The Executive Order Area, commonly referred to today as the Joint Use Area, is a rectangle about seventy miles long from north to south and fifty-five miles wide from east to west.

The key to the dispute centers on a vaguely worded Executive Order that was issued following a request in the fall of 1882 of the Indian Service in Washington, D.C. by one of its Indian field agents. The agent, eager to expel a certain white man, Jeremiah Sullivan, his former employee, from a Hopi village but having no authority to do so because the village was not in a reservation, was ordered by the Commissioner of Indian Affairs to send to Washington a description of the proposed reservation boundaries to include "...Moquis (Hopi) villages and agency and large enough to meet all needful purposes and no larger..."[2] It was only when the Commissioner discovered that he could not

lawfully evict Sullivan or other "undesirable" Anglos as long as the land of the Hopis was not withdrawn from the public domain that the decision to create a formal Indian reservation was made. Boundary lines were thus forwarded and the Executive Order was quickly promulgated providing that an area be set aside for Hopis but also "such other Indians as the Secretary of Interior saw fit to settle thereon."[3]

No one seems to have consulted the Hopis or the Navajos; no one seems to have surveyed the boundary lines for detailed references as to actual use of land and occupancy; above all, no one seems to have thought much about the fact that Navajos were actually living in the area and had lived there for more than a century. Prior recommendations had considered a joint reservation for the Navajo and Hopi, yet the Executive Order took no account of the Navajos.

Furthermore, there is no evidence that either Hopis or Navajos quickly learned of the Executive Order Reservation. Chances are it was beyond their comprehension that the signing of a document in Washington D.C. would have any effect upon their rights to land on which they had lived for generations. Nevertheless, the Executive Order took on a life of its own among government officials. Some argued that it set up a reservation for the Hopis only; others argued that the "other such Indians" mentioned were the Navajos. Meanwhile, in Washington, where the power lay to establish legal clarity, the matter was sporadically discussed and then neglected. Legally, the issue of relative rights of the Navajo and Hopi tribes remained

unsettled. The hazy wording of the Executive Order did not give the Hopi exclusive rights to the designated area, nor did it make clear the status of the resident Navajos.

Navajo rights to remain settled in the Executive Order Area were neither recognized nor denied. Hopi complaints of Navajo encroachment, however, caused the dispatch of two separate military expeditions to forcibly evict the Navajo in the late 1880s. Both expeditions failed to carry out these orders on the basis that eviction would have caused extreme hardship on the Navajo families living in the area.[4]

The basic purpose of the 1882 Executive Order appears to have been to provide a legal basis for the protection of the Hopi against the encroachment of white intermeddlers and Mormon settlers, against the intrusion of other Indian tribes, and to provide for more living space because of the increasing Hopi and Navajo populations.

In 1882 some 300 Navajos were living in the outlying regions of the Executive Order Area according to conservative estimates.[5] According to Aberle, early references during the Post-Spanish period, c. 1540 to 1686, suggest

> the presence of Navajos near the Hopi (mesas and also) west of the Hopi country....From 1691, however, the record clearly indicates the presence of Navajos near Hopi towns. In addition, archaeological research using dendrochronology (treering dates) shows that Navajo settlement in the disputed territory goes back at least as far as 1750. Thus, continuous Navajo occupancy of that area long preceded the creation of the Executive Order Territory in 1882.[6]

The following archaeological data from field investigations

during the mid-1950s was adapted from Navajo Land Claims Court cases by Hammond and Morgan. They

> corroborate Navajo occupancy of the 1882 Executive Order Reserve as well as regions to the west, north, and south from early historic times down to the present. Nearly 3,000 Navajo structures - hogans, corrals, sweathouses, and other auxillary components - were recorded during field work. These comprised approximately 1,000 Navajo archaeological sites for the 1882 Reserve area. Many other Navajo archaeological sites recorded beyond the 1882 rectangle to the Colorado River also substantiate early Navajo occupancy and use of this broad region. Treering dates from timbers cut from these Navajo hogans and other structures range from 1622 A.D. to well into the 20th century. These dates have been published in the Tree-Ring Bulletin of the University of Arizona. Navajo pottery dating before 1800 was collected from a number of these Navajo archaeological sites. It is significant that no Hopi archaeological sites dating later than 1700 A.D. have ever been reported for the 1882 Executive Order Reservation beyond the vicinity of the three mesas which the Hopis still occupy today.
>
> From vital statistics records, personal history sheets from old hospital records, testimony and depositions of aged Navajo witnesses, and other sources including Scout Pension Records, 834 Navajo births before 1882 have been tabulated. Of these, 328 Navajos were born within the 1882 Executive Order Reservation; 506 were born to the west, south, or north of that Reserve. Of 496 Hopi births, dating between 1805-1868, also located during research of Public Health Service Hospital records, it is of interest to note that only four births were recorded for areas beyond the present mesa villages.
>
> Such records clearly indicate the presence of family groups occupying and using their respective areas of residence. These Navajo births corroborate and complement documentary and archaeological data reflecting Navajo occupancy of the 1882 Executive Order Area and beyond. Hopi birth records also substantiate early and continued occupancy of the three mesas on and at the base of which they yet live today.

In sum, available data strongly supports the view that Navajos occupied much of the disputed territory about 1750-1800 and perhaps earlier. The occupation was for their daily subsistence and not for occasional forays.

By contrast, the Hopis in 1882 numbered some 1800 members and were living primarily in villages and whose actual use of outlying areas was limited to wood-gathering, hunting, and visiting sacred places and shrines.

> There is no evidence to show an intensive use of the (disputed) area for the period (1750-1800), and specifically no evidence of Hopi villages in the area after 1700...The lack of dwellings indicates a less intensive use than that characterizing Navajo Occupancy.[8]

Allotment Periods - 1892-1894 and 1908-1911

Early in 1892, the Office of Indian Affairs put into operation a plan to allot lands to individual Indians on the 1882 reservation pursuant to the Allotment Act of February 8, 1887. The instructions concerning this work included that "...no allotments will be made to Indians other than Moquis (Hopi), except by express authority of this office..."[9]

Almost immediately the Indian Agent Mayhugh ran into difficulties carrying out this allotment program. He discovered that most of the Hopis desired to continue living in their villages, that they were satisfied with their existing communal method of working the land.

In the summer of 1893, Mayhugh reported to the Indian Commissioner that he had allotted lands to a Hopi at the latter's request, notwithstanding the fact that he found ten

Navajo families occupying the land. Mayhugh ordered the Navajos to leave but they failed to do so. The Commissioner of Indian Affairs immediately advised Mayhugh it would be most undesirable to move the Navajos and that the "Moquis" should make other selections. This is the first instance in which the Indian Commissioner had ordered Navajos to be left in undisturbed possession of land within the reservation area sought to be used and occupied by Hopis.

The project to get Hopis down off the mesas was not as successful as desired and the first allotment project came to an end in 1894.

A new program to allot land in severalty was undertaken January 1908 and in February 1909, Commissioner Valentine gave instructions, the most significant being that an allotment "...should be made to each Indian on the reservation entitled, irrespective of the fact of whether such Indian is a Moqui or a Navajo...," quoting the critical language of the Executive Order of December 16, 1882.[10] The Commissioner further stated, "...there is ample authority, also, for making allotments in the Moqui reservation to Navajo Indians as may be located therein and who intend to remain in the reservation."[11]

Approximately three hundred Navajos residing on the 1882 reservation indicated a willingness to accept allotments subject to approval. However, no allotments under this second program were officially approved.

In March 1911, following recommendations that an inadequate water supply and arid lands made it impracticable for the

Indians to cultivate and live on allotments, the second allotment project was discontinued.

Years 1912-1943

In his annual report of 1912, the Hopi Agency Superintendent stated that the Hopi were surrounded by Navajos and that "these Navajos were permitted to remain on the reservation, having a right of occupancy when the reservation was created in 1882."[12] This is the first instance in which any government official expressed the view that Navajos living on the Executive Order Reservation of 1882 thereby gained a right of occupancy.

Although several administrations contemplated the division of reservations between the Navajos and Hopi to settle disputes between the tribes, none were ever effectuated. By the 1920s it was assumed that all Navajos living on the 1882 reservation had been settled there by an implied discretionary exercise of the Secretary of Interior to settle other Indians on the reservation.

On February 7, 1931, an internal Department of Interior communication effected an all-inclusive recognition of Navajo rights of land use, and an implicit legal settlement of all Navajos then residing on the portion of the reservation which lies outside the exclusive Hopi section of Land Management District 6. A 630,000 acre tract in the Executive Order Area surrounding the Hopi villages was designated as District 6 and, in 1934, came to be recognized as the area of exclusive Hopi

settlement and property rights. This district was entirely within the 1882 reservation; its borders were changed several times, enlarged, and finalized April 23, 1943, by the Bureau of Indian Affairs (BIA). All other Land Management districts created in 1936 in accordance with the Indian Reorganization Act of June 18, 1934, for purposes of soil conservation, forest management, and grazing control, were considered by the BIA as essentially Navajo and included areas both inside and outside the 1882 reservation. These areas were divided merely for administrative purposes. The Hopi, however, gradually became interested in pursuing their claim to the entire EOA as alluded to in the 1882 proclamation. Nothing was done to resolve the questions as to which tribe had a legal interest in which land.

Solicitor's Opinion of 1946

On June 11, 1946, Acting Solicitor for the Department of Interior, Felix Cohen, rendered an opinion that it was the intention of the 1882 Executive Order to set aside lands for the use and occupancy of the Hopi and Navajo Indians and "to permit the continued settlement of the Navajos within the area in the discretion of the Secretary."[13]

The Solicitor continued:

> Had there been any intention of disturbing the Navajos then occupying the area, it would have been a comparatively simple thing to draft the Executive Order so as to create a reservation exclusively for the Hopis.[14] But this was not done. The prime need at the time was to provide Indian reservation status for lands long occupied by Hopis and Navajos alike, and to retain administrative authority over the further settlement of Navajos within the area.[15]

Concerning the comparative rights of the Navajo and Hopi in the 1882 reservation, the Solicitor ruled in this opinion that the rights of the Navajos who had settled in the area, prior to the ratification of the Hopi Tribal Constitution in 1936, were coextensive with those of the Hopi with respect to the natural resources of the reservation.[16]

It could then be surmised that the BIA contributed materially to Navajo expansion within the Joint Use Area through indirect governmental encouragement to Navajos to use the land and by restricting Hopi use of land to District 6, except upon a showing of pre-existing use of land outside this area. Only very few Hopis have ever resided or grazed their livestock in lands outside this District. Nothing effective was done to stop or deter Navajo use and occupancy of much of the 1882 lands.

The Healing v. Jones Case and Its Aftermath

It was only after World War II when mineral exploration of the area was about to begin that the government again began to examine the question of how the 1882 Executive Order Reservation should be legally divided. This was now necessary to establish who could legally grant mineral leases in the land and who would be entitled to royalty payments. Yet, instead of solving the problem by direct action, the Administration recommended and Congress agreed that the question of legal rights in the Executive Order Reservation be referred to the Courts through an act of Congress (PL 85-547) which became law July 22, 1958.

Congressional decision to set up this mechanism for a Navajo-Hopi suit was itself abrogating the responsibility for the difficult situation that had been created by the conflict, it was to be solved as if the problem involved only the two parties: the Navajo and Hopi Tribes as legal entities.

Utility Ties

While theoretically only the surface rights of the Joint Use Area were at stake, portions of the disputed land overlay at least 2.5 billion tons of easily accessible coal. As much as 25 billion tons may be there.[17] At today's prices the coal could be worth $10 billion or more depending on demand. In addition, there are geologic signs of oil, gas and uranium in the area.[18]

> While the Navajo leaders seem to decide their own policy in the Navajo capital at Window Rock, the locus of Hopi policy seems to be in Salt Lake City, almost 500 miles away from the Hopi Mesas. Both the Hopis' energetic and effective lawyer...and their public relations counsel, Evans and Associates, are headquartered in Salt Lake City....Through their Mormon allies, the Hopis have developed allies in the world of industry and government.[19]

> At the same time Evans and Associates was representing the Hopi Tribe in 1970-73, they also represented a trades association of twenty-three utility companies engaged in building power plants and strip mines in the Four Corners area...."The Indians have resources to sell and our other clients have money to buy those resources," an Evans spokesman told a reporter.[20]

The arrangement was convenient. The relationship between the Hopi Council and the power companies strip mining their land became almost symbiotic.

The Secretary of Interior or the BIA Commissioner approves tribal coal or other mineral leases. Fine, except that the Department of Interior is also a buyer of coal. Through the Bureau of Reclamation, the Interior Department owns 25 percent of the largest Four Corners power plant.[21]

To carry the chain to its conclusion: Peabody Coal Company strip mines Black Mesa in the Joint Use Area under a contract approved by the Interior Department. Kennecott Copper through its interlocks with Zions Utah Ban corporation is intertied to the extensive industrial holdings of the Mormon church.[22]

The Navajo have continuously pressed the Department of Interior for new contracts based on the actual selling price of coal and its energy content. Both the BIA and the Interior Department have been unresponsive to this approach. Rather, the Department of Interior has pressed the Navajos to sign contracts based on a per-ton royalty agreement.[23]

Unfortunately, some Senate Interior and Insular Affairs Committee staff members saw the situation in much the same light as the Interior Department. One member was quoted as saying, "The Navajos are just dragging their feet on development...sometimes you have to take a stand on the merits."[24]

Public Law 85-547

Through the enactment of Public Law 85-547 on July 22, 1958, Congress conferred jurisdiction on the U.S. District Court for the District of Arizona to determine the respective

rights and interests of the Navajo and Hopi tribes in the area set aside by the Executive Order of December 16, 1882.

The Act further provided that the tribal chairmen of the tribal councils of their respective tribes and the Attorney General on behalf of the United States could initiate or defend in the District Court of Arizona any action against each other for the purposes of determining rights and interests in the land with the right of direct appeal to the Supreme Court. Any area in which either the Navajo or Hopi tribe was determined to have exclusive interest was to be added to their respective reservations.[25]

The result was the casting of a federal court in the role of comprehensive decision-making, not merely with respect to historical events, but also in a role as a regional social and economic planning body. The division of jointly held property in ownership disputes is not an uncommon task for federal courts, but seldom has such a decision involved a major portion of land occupied by thousands of citizens, many of whom faced expulsion by the court's decision. The magnitude of the issues placed the court in the position of allocating land to Native American peoples, a role most often performed by the executive and legislative branches of the government.

The Act of July 22, 1958, starts as follows:

> Public Law 85-547. An act to determine the rights and interests of the Navajo Tribe, Hopi Tribe, and individual Indians to the area set aside by Executive Order of December 16, 1882, and for other purposes.[26]

The Healing v. Jones Case

The result of PL 85-547 was a litigation instituted by Dewey Healing, Chairman of the Hopi Tribal Council, against Paul Jones, Chairman of the Navajo Tribe, in September 1962 in the District Court of Arizona. Following extensive court proceedings, a three-judge court held, inter alia, in Healing v. Jones:

> (1). Title to Land Management District 6 comprising of 631,000 acres was quieted exclusively in the Hopi Tribe, both as to surface and subsurface, including all resources, subject to the trust title of the United States;
>
> (2). that the Navajo and Hopi Tribes have "joint, undivided, and equal rights and interests both as to surface and subsurface" in that portion of the 1882 reservation which lies outside and surrounds District 6, a total of 1,822,000 acres;[27] and
>
> (3). that the District Court of Arizona was without jurisdiction to partition the area held jointly.[28]

The reasoning of the Healing Court which led to the conclusion that the interests of the two tribes in the area are joint and undivided is entirely plausible. But the court reached one additional conclusion, which it never explained and which is supported by neither the evidence nor established case law. The Healing v. Jones decision was appealed to the Supreme Court by the Navajo Tribe and affirmed in 1963.

According to Richard Shifter, Legal Counsel to the Navajo Tribe, Washington, D.C., what is often overlooked is that the Healing Court also held that:

(1) Prior to July 22, 1958, neither tribe had a legally vested right in any part of the 1882 Executive Order Reservation

and had only a mere right to use and occupancy; the vested rights of both Navajos and Hopis in this land were created by an Act of Congress in 1958;

(2) the Navajos, and no Hopis, had lived on the land "from long prior to the creation of the reservation in 1882"; and

(3) the Navajos, and no Hopis, had been legally "settled" on the land within the meaning of the phrase in the Executive Order by the Secretary of the Interior in 1931. Under the 1958 law, this right of use and occupancy ripened into a constitutionally protected vested right.[29]

For highly technical reasons involving the choice of words and phrases in the 1958 law and the 1882 Executive Order, the pattern of land use had to be ignored and on these technical grounds, the Hopi area of occupancy was determined to belong exclusively to the Hopis and the Navajo area of occupancy was determined to belong to both tribes.

In essence, the Healing Court thus concluded that after Navajos had for generations lived on the disputed land and in 1931 been legally "settled" there, Congress conveyed to them in 1958 only an undivided one-half interest, conveying the other half to the Hopis.

The Court decision did not effectively resolve any conflicts of rights and interests for the land in which, according to the Healing Court, the Hopis had since 1958 a vested one-half interest. This land continued to be occupied almost

exclusively by Navajos, and had been so occupied in 1958 and for decades before.

In the years that followed there was no difficulty delivering to the Hopis their share of income derived from mining operations on tracts of land jointly owned by the two tribes in the Black Mesa area (see map). But what to do with the surface, on which Navajos resided and grazed their livestock, became an increasingly vexing problem. Efforts of the two tribes to resolve differences between them failed for the Navajos, people who depend on the grazing resources of that land, wanted to retain the possession of the surface and to recognize the property rights of the Hopis in some way other than giving to the Hopi one-half of the surface, or 911,000 acres. The value of the Hopi half of the surface land could have been delivered to them, completely in keeping with Healing v. Jones, in any of the following ways according to Shifter.

(1) In cash, which they could use to buy additional land;

(2) By giving them greater rights in the far more valuable subsurface;

(3) By extending, over a reasonable period of time, grazing rights in the joint interest area, without expelling anyone from the land; or

(4) By a combination of the foregoing.[30]

The Hopis, on the other hand, have continually insisted that they be given a contiguous block of 911,000 acres adjacent to their reservation of District 6 and that Navajos residing on the land be expelled.

The Hopis have taken their case both to the courts and Congress. In March 1970, the Hopi Tribe petitioned the District Court of Arizona to issue a Writ of Assistance enforcing Hopi rights to usage of the Joint Use Area (JUA). On October 14, 1972, the Court issued an Order directing the Navajo Tribe, inter alia, to immediately reduce its livestock in JUA in accordance with a determination by a soil and range inventory and which resulted in the adoption of a plan for removal of all livestock from the JUA save that essential for daily livelihood. The Navajo Tribe was to use no more than one-half the capacity of the area to allow the Hopi Tribe to use more of the surface of the JUA. This livestock reduction program was to be followed by a range restoration program. The court also ordered that construction of new homes in the JUA be limited to improvements jointly authorized by the Navajo and Hopi Tribes. The Hopi have approved relatively few Navajo requests. Navajos have thus been extremely restive because of this legal stalemate on construction or improvements of schools, clinics, homes, roads, water development, and similar projects.

Legislative Measures Proposing Settlement of the Navajo-Hopi Land Dispute

Beginning in the 92nd Congress and continuing into the 93rd Congress, a number of bills were introduced proposing settlement of this controversy. The following is an attempt to summarize the four legislative proposals introduced in the 93rd Congress.

(1) HR-10337 - House passed bill introduced by Representatives

San Steiger (Ariz.) and Wayne Owens (Utah) in the U.S. House of Representatives.

This bill granted to the District Court of Arizona in supplemental proceedings to Healing v. Jones the jurisdiction to partition the surface of the Joint Use Area between the Navajo and Hopi Tribes. Partition of the area's surface, however, would not affect the joint ownership of its subsurface minerals, which would be jointly managed by the tribes under the supervision of the Secretary of Interior. To aid the court in its determination, the bill established certain criteria for partitionment which included equal acreage and quality of land, insofar as was practicable, and contiguity of lands partitioned and inclusion of the high Navajo population density in the portion partitioned to the Navajo.

The House-passed bill provided that those Navajos or Hopis who resided on lands partitioned be removed from such lands over a five-year period and authorized a mere $28.8 million for the purpose of relocating some 8,000 Navajos, or more than the total Hopi Tribe of 7,000 members.

The Secretary of Interior was authorized and directed to sell to the Navajo Tribe not more than 250,000 acres of public land within his jurisdiction and to hold this land in trust for the tribe under this bill.[31]

HR-10337 passed the House of Representatives on May 29, 1974 but failed to be reported out of the Committee on Interior and Insular Affairs for a vote in the United States Senate.

(2) S-2424 - Sponsored by Senators Paul Fannin and Barry

Goldwater of Arizona in the U.S. Senate.

S-2424 was similar in scope to HR-10337 except that, rather than the Federal District Court of Arizona supervising the partitionment of the Joint Use Area, the Secretary of the Interior was directed to perform that task. In addition there were no provisions for compensation of those Navajos and Hopis who would be forced to relocate as a result of the partition, which means no money was authorized for purchases of habitation and other improvements, for relocation, and for repurchase of homesites, including public lands.[32]

(3) S-3230 - Sponsored by Senators Joseph Montoya and Pete Domenici of New Mexico

S-3230 could be cited as the Navajo-Hopi Development Act which linked the solution of the Tribes' land dispute with their economic development. The bill would have set up a Commission appointed by the President and the two tribes. This Commission would review the potential of the tribes' reservations for economic development and range restoration, and make legislative and fiscal recommendations to Congress for programs needed.

S-3230 recommended a Commission approach to resolve the issues in dispute. Breifly stated, this Commission, composed equally of Navajos and Hopis, would have undertaken a study of the lands involved in the Joint Use Area to determine which lands were used exclusively by the respective tribes and which lands were used by Navajos for residential purposes and were also used by Hopis for wood and coal gathering, religious

ceremonials and hunting. Once completed the Commission would have reported to the Secretary of the Interior the appraised value of the respective interests as determined by the study. Thereupon, the Secretary would partition the interests to the disputed lands granting the Hopis easements for timber and coal gathering, religious shrines, and compensating the Hopi for any interest it finally received which would have been less than one-half of the total value of the JUA.[33]

(4) S-3724 - Introduced by Senator James Abourezk, South Dakota, in the U.S. Senate.

S-3724 would have authorized the establishment of a Navajo-Hopi Development Commission. The Commission, in cooperation with federal departments and agencies, was to plan, organize and implement far-reaching social and economic development efforts designed to improve the lifestyle of tribal members residing on the Navajo and Hopi reservations.

This measure authorized a judicial partition of the JUA through provisions similar to those in HR-10337 but provided for life estates for those adult individuals who had resided since birth in the JUA and for any surviving spouse of such persons.

Other provisions for displaced households included the purchase of property at fair market value, reasonable moving expenses, and a total reimbursement to equal the cost of a suitable replacement dwelling.

Both the Navajo and Hopi Tribes were guaranteed fair annual rental payments for the use made by the respective tribes

of the other tribe's lands.[34]

Public Law 93-531

Navajos Protest U.S. Directed Boundary Line

During July 1974, a group of 120 grassroots Navajos from the Joint Use Area and their sympathetic Hopi contingent of approximately 10 caravaned to Washington, D.C., pleading their case enroute, to lobby against passage of HR-10337 and its companion bill S-2424 in the U.S. Senate. HR-10337 had been maneuvered through the House of Representatives by Arizona's Representative Sam Steiger in May 1974 but the Navajos lobbied actively to keep the Senate from concurring. A modified bill was passed by Congress and signed into law as Public Law 93-531 by President Ford on December 22, 1974.

Provisions of PL 93-531

PL 93-531, hereafter referred to as "the Act," provided for the

> final settlement of the conflicting rights and interests of the Navajo and Hopi Tribes to and in lands within the joint use area of the reservation established by the Executive Order of December 16, 1882, and lands lying within the reservation created by the Act of June 14, 1934, and for other purposes.[35]

PL 93-531 provided for a boundary delimitation by a Secretary of Interior appointed arbitration board. Under the law, the land partition was to be carried out so that densely populated Navajo areas be, as far as practicable, kept within Navajo areas to minimize and avoid undue social, economic (25 USC 640d-5) and cultural disruptions. The land partitioned was

to be, insofar as practicable, (1) equal in acreage and quality; (2) contiguous or adjacent to the reservation of each tribe; and (3) follow terrain which would facilitate fencing of partitioned areas.[36] Lands partitioned to each tribe are (25 USC 640d-9) to be taken by the United States government in trust for the benefit of each tribe and to become parts of their respective reservations.[37]

This law dealt only with surface rights; subsurface rights (25 USC 640d-6) were to remain jointly managed by both tribes, subject to supervision and approval by the Secretary of Interior as required by law.[38]

The phased relocation of the Navajos was to be financed by the federal government although the resettlement area was unspecified (25 USC 640d-13). The Navajo Tribe could, if needed, purchase up to 250,000 acres of public lands within the states (25 USC 640d-10) of Arizona or New Mexico at the fair market value of such lands as determined by the Secretary of Interior for purposes of resettlement. Such lands should, if possible, be contiguous or adjacent to the Navajo Reservation.

The Act provided for a six-months' negotiation period between representatives of the two tribes. Each tribe was to be (25 USC 640d-1 through 640d-3) represented by five members and the federal government would be represented by a federal mediator, William Simkin. Recognizing that settlement by negotiation might not be achieved, in whole or in part, the Act provided for a ninety-day period for preparation of a report and recommendations to the District Court of Arizona by

the federal mediator. Finally, the District Court was specifically empowered to decide the dispute including partition of the Joint Use Area if the Court so determined.

Mediator's Appraisals of Joint Negotiation Meetings

Throughout the negotiation period, March 17, 1975 through September 13, 1975, the greatest amount of time was spent on the problem of land partitionment, according to Federal Mediator Simkin. The Navajo team proposed a series of ten alternative maps and the Hopi team, nine maps. There was general agreement of the two teams on some 80-85% of the total acreage of land mass only to be partitioned. The remaining unresolved 15-20% of the total area reflected very strong differences of opinion.[39]

Two general differences of approach by the two teams were noted by the Mediator.

> In general, it was a Navajo position that all issues in dispute should be resolved by agreement and that possible agreement on any one issue should not be finalized as an agreement until all other issues were resolved. On several issues, in addition to partition, the Navajos made quite specific proposals in writing.
>
> In contrast, it was a basic Hopi position that agreement on a partition line was a first and essential requisite and that agreement on other issues should be deferred until the partition line had been established. The Hopi team made few written proposals on issues other than the partition line.[40]

No specific agreements were reached by the two negotiating teams that could qualify as "full or partial agreement" as defined in PL 93-531. There were, however, informal agreements

of principle that should be noted, mainly that both tribes agreed that the resolution of the land dispute should take into account the personal hardships of the Navajo people affected. Additionally, the parties agreed the resolution would result in the near future in the restoration to the Hopi Tribe of its exclusive use and ownership of one-half of the surface area of the Joint Use Area.[41]

The Mediator concluded without reservations that these negotiations had contributed immensely toward the process of eventual resolution of this century-old dispute. Both teams were described as being open, candid and positive in expressing their valid positions and aspirations for their respective tribes. The Mediator further observed that considering the realities of the problems and issues on both sides of the controversy, sincere efforts were made to accommodate to each other's needs by members of each team. All in all, these negotiations were held in an atmosphere of mutual seeking for viable compromises.[42]

Absence of any specific, partial, or complete agreement between the negotiating teams should not be viewed as a true measure of success or failure, particularly in view of the magnitude and complexity of this dispute.

Other Activities

Because required relocations would be confined almost solely to Navajo residents of the JUA, Navajo negotiating team members spent a substantial amount of time between negotiations

conferring with members of the Navajo Tribal Council and members of the Navajo-Hopi Land Dispute Commission. In addition, members of the team met with local residents at a large number of chapter meetings throughout the JUA area to explore the implications of the land dispute and the provisions of PL 93-531. These meetings were especially valuable because grassroots Navajos who might possibly be affected by relocation had an opportunity of being heard, thus supplementing the observations of the Navajo team. A Court decision in this matter would also not come as a surprise to these Navajos affected by it.

The Mediator and representatives of both negotiating teams conducted an eight-day inspection of the JUA by aerial reconnaissance and land vehicles. Other inspections of lands outside the JUA for possible purchase by the Navajo Tribe for resettlement included certain public domain lands under the jurisdiction of the Bureau of Land Management in the House Rock Valley-Paria Plateau, north of the Grand Canyon; railroad lands in the Winslow areas; Bureau of Land Management (BLM) lands south of Gallup, New Mexico and in the vicinity of Crownpoint, New Mexico; and certain privately owned ranch lands. Inspection teams consisted of the Federal/Associate Mediator, Navajo representatives, BLM and BIA representatives.

The land expressly desired by the Navajo Tribe under the provisions of PL 93-531 consists of 250,000 acres of BLM land located in the House Rock Valley-Paria Plateau along and north of Arizona State Highway 89, the only presently known BLM land

in Arizona or New Mexico that qualifies under the "contiguous or adjacent" criteria in finding land for relocation purposes. The Navajo Tribe has presented to the BIA its reasons for requesting these lands. Formal application was made for the land supported by a November 1975 resolution of the Navajo Land Dispute Commission and accompanying plans for Navajo use of the area.

Designed to benefit those Navajos forced to relocate by the partition plan, this purchase of lands has injected new elements into the dispute. Government agencies, private interest groups, and individuals have become involved in the dispute over the possible purchase. A coalition of sportsmen, environmentalists, and interested citizens have formed an organization known as the Save the Arizona Strip Committee. The Committee is opposed to the purchase of the land by the Navajos. A dispute which had previously been considered a wholly intertribal conflict over land which admittedly belonged to either one tribe or the other now promises to affect non-Indian persons and interests heretofore totally unrelated to the dispute.[43] The far-reaching impact of the purchase by the Navajos can be seen in the preliminary report issued by the Bureau of Land Management on the proposed purchase of the House Rock Valley-Paria Plateau area by the Navajos.

Environmental Analysis of the House Rock Valley-Paria Plateau Area

The following summarizes the major environmental and socioeconomic impacts and the public concerns identified in

the preliminary March 1976 Environmental Analysis Record of the Navajo Tribe's application to purchase lands in the House Rock Valley-Paria Plateau Area.[44]

Environmental Impacts

(1) A change of livestock use from the existing cattle grazing to Navajo sheep and goat grazing will have a significant adverse impact on vegetation and wildlife habitat. Sheep and goat will compete with mule deer and antelope for food.[45]

(2) Increased human occupancy, livestock numbers, and road and home construction on the Paria Plateau will adversely impact the large numbers of archaeological sites remnant of the Anasazi culture on the Plateau.[46]

(3) The quality of the visual resources of the Vermillion Cliffs Natural Area will be adversely impacted by commerical and residential developments.[47]

(4) Public hunting, camping, rockhunting and other forms of outdoor recreational use of the Plateau will be curtailed.[48]

(5) Federal and state agency programs may be heavily impacted. The Forest Service and BLM are concerned over possible Navajo occupancy and sheep grazing encroachment into Kaibab National Forest and adjacent national resource lands.[49] The Arizona Game and Fish Department will lose authority to manage deer and antelope herds in the area.[50]

(6) Water supplies on the land are limited. Increased human occupancies and commercial and community service developments will probably deplete groundwater resources.[51]

Socioeconomic Impacts

(1) The addition of these lands to the Navajo Reservation would exempt the Navajos from paying state or local taxes. While taxes presently received from leasees of these lands are relatively small ($14,000), it is anticipated that the increased state and county services to the relocated Navajos - education, welfare, law enforcement, public health - will have a significant impact on the non-Indian taxpayers in the area.[52]

(2) The Colorado River Gorge serves as a boundary between Navajo and non-Indian cultures. Relocation of Navajos west of the river will not only intensify the use patterns of the land but will also heavily impact the trade and social centers nearby, which are presently oriented to non-Indian culture.[53]

(3) Significant socioeconomic impacts will occur to those Navajos being relocated. Their family structures and established living and economic patterns will be disrupted and there will be cultural shock to the Navajos resettled in the area.[54]

(4) There will be significant economic and social impact on the ranchers who will be displaced.[55]

Public Concerns

There has been a high level of public controversy over the Navajo Tribe's application. This controversy has been reflected in the testimonies at public hearings and in correspondence from federal, state, and local governmental agencies, Congressional representatives, conservation groups, public land users and about 380 individual citizens.[56]

The proposal was supported by the Navajo Tribal Council, its official representatives, and the Federal Mediator of the Navajo-Hopi land dispute.

The Secretary of Interior directed the BIA-JUA administrative office of Flagstaff, Arizona, to lead an interdepartmental task force in writing an Environmental Impact Statement analyzing the factors involved in the sale of House Rock Valley - Paria Plateau to the Navajo Tribe. Currently underway and to be completed by November 1977 is an EIS consisting of nine chapters covering these areas:

(1) Description of Proposed Action;

(2) Existing Environment and Human Features;

(3) Impact of Land Use and Relocation;

(4) Mitigating Measures;

(5) Unavoidable Adverse Impacts;

(6) Relationship between short-term uses of man and the maintenance of long-term productivity;

(7) Irretrievable commitments of resources if proposed action is implemented;

(8) Alternatives to the proposed action; and

(9) Consultation and coordination with others in preparation of draft.[57]

The material required under Chapters 2, 3, 4, and 5 will also appear under each of the alternative site sections on: Ferry Swale, northeast of Paria Canyon; railroad lands north of Winslow; privately owned ranches in Apache County near St. Johns; BLM lands in northwestern New Mexico in the vicinity of Crownpoint and Gallup; and public domain lands north of Farmington, New Mexico.

Mediator Recommendations on Specific Issues

In conformance with the Healing v. Jones decision and supplemental proceedings, the Congressional criteria of PL 93-531, and certain factual considerations enumerated by the BIA-Joint Use Administrative Office, the Federal Mediator made the following recommendations on specific issues to the District Court of Arizona.

Land Partition

The Joint Use Area should be partitioned by the District Court to the Navajo and Hopi Tribes on a 50-50 acreage basis in accordance with detailed lines of delineation on quarter quad maps furnished by the Mediators with the assistance of the U.S. Geological Survey.[58]

According to the recommended partition lines, District 6, the all-exclusive Hopi reservation, was expanded all around its borders except for eleven miles of the boundary which was to remain the same as its previously existing border (see map).[59]

With one exception of the "Navajo Island" in the Jeddito Area, all lands under the Mediator's recommendation were contiguous to existing reservations of the two tribes. A "Navajo Island" in the midst of the Hopi Reservation was recommended for two main reasons: (1) It is an area densely populated by Navajos, and (2) it is traversed by two major paved roads, State Routes 264 and 77, thus making the "island" easily accessible to Navajos.[60]

The Mediation manual count from quarter quad maps indicated a total of 11,798 Navajos residing in the JUA. Of these 3,495 Navajo individuals, or 29.6% of the total, would be subject to relocation since they would be residing on the Hopi side of the recommended partition.[61] With an average Navajo family size ranging between 5.6 to 4.5 individuals, it is estimated that a total of 625 to 775 Navajo families will be required to relocate.[62]

HR-10337, the Steiger Bill, in its original form, would have displaced 4,634 (41%) of the Navajo population in the JUA.[63] Only 32 Hopi individuals now residing in the Jeddito "Navajo Island" area on the Navajo side of the recommended partition will be subject to relocation.[64]

Joint Use Area is Divided

On February 10, 1977, U.S. District Court Judge James Walsh ruled he would accept the proposal submitted by Federal Mediators Simkin and Johnston to divide the 1.8 million acres of disputed Navajo-Hopi land as equally as possible between the tribes along the recommended boundary. Walsh ordered immediate surveying followed by fencing of the land.[65]

With the partition line most of the lands in the northwest and southwest portions of the disputed JUA will be turned over to the Hopi Tribe, while the northeast and southeast portions will be made part of the Navajo Reservation. The acquisition of 900,000 acres will increase the size of the Hopi Reservation by more than 140 percent for its population of

7,000 members. The loss of the land will decrease the Navajo Reservation by about 4 percent.[66]

The most controversial aspect of the partition is the establishment of the "Navajo Island" at the community of Jeddito near Keams Canyon, the Hopi Agency Headquarters. "Navajo Island" has been criticized by Hopi officials for being placed within Hopi boundaries, yet remaining a part of the Navajo Reservation.

Samuel Pete, Director of the Navajo Land Dispute Commission, said the Navajo Tribe plans to appeal Walsh's decision.[67]

Phased Relocation

Pursuant to PL 93-531, Section 13, the Navajo and Hopi Indian Relocation Commission (hereafter referred to as the "Relocation Commission") is directed to prepare and submit to Congress detailed plans providing for relocation of all affected families within a 24-month period following the date of issuance of an order from the District Court of Arizona.[68]

The Commission is further directed to undertake a program of phased relocation of all households, including livestock, from lands partitioned to the tribe of which they are non-members, within a 5-year period from the date on which the relocation plan takes effect.[69] The total time period provided by the Act can run as long as seven years after the effective date of partition. The Act encourages early voluntary relocation, however, unavailability of new lands for the Navajos could complicate early relocation.

Thus, under almost any set of circumstances following partition, many members of the Navajo Tribe will continue to occupy and use land allocated to the Hopi Tribe for some presently unknown period of time. The very few Hopi who will be subject to relocation will likewise use Navajo land. Even longer periods of time may be involved in life estates and phased relocations as may be arranged following the Court decision.

The Mediator recommended that the Court require the Navajo Tribe to pay the Hopi Tribe the fair rental value for all lands occupied by Navajo individuals after the effective date of partition and until actual dates of relocation. Likewise with the Hopi Tribe for individuals using Navajo land. PL 93-531 provides that the Secretary of Interior should determine the amounts of fair rental value. The "United States government should be responsible for such payments to the extent that phased relocation may be caused by negligence or undue delay on the part of the Secretary of Interior in approving additional lands for the Navajo Tribe."[70]

According to the Mediator, "Negligence or undue delay" could possibly arise out of (a) delay in providing the 250,000 acres of BLM land to which the Navajos may relocate, or (b) undue delay by the Department of Interior in acting on the Mediator's recommendations in providing additional lands to which the Navajos may relocate.[71]

Water Development

The Act is silent regarding future water developments in the JUA except where applicable as an integral part of the land restoration program. However, as the matter was significantly important to the joint negotiation teams, the Mediator recommended the possibility of establishing a joint water commission or water development authority. Its primary function would be to insure that water requirements, sources, and distribution be equitably shared.[72] The water commission would also work with and advise the BIA in regard to water development/improvement projects funded by the U.S. government affecting both tribes. The Mediator further recommended that the Relocation Commission be designated by the District Court and Secretary of Interior to resolve any disputes within the water commission and properly within its jurisdiction.[73]

It is clear that there will be important potential water supply problems of both immediate and longer range practical impact that might have a significant effect on both tribes which should be resolved by the two tribes without resorting to a court petition.

Mixed Marriages

While the Act is also silent on this subject, it is known that there are enough mixed Navajo-Hopi marriages in the JUA to create a potential problem on both sides of the recommended partition lines. The Mediator recommended that the District Court establish criteria regarding the possible relocation of

mixed marriages in the JUA and that the Relocation Commission be authorized to settle any disputes arising out of such situations, subject to appeal to the District Court by either tribe.[74]

District Court of Arizona

The Mediator recommended that the District Court of Arizona should establish criteria regarding:

(1) Access by each tribe to religious shrines and sacred places and the establishment of a Navajo-Hopi Sacred Places Committee;

(2) The eligibility for life estates, permitted and prohibited activities within the life estate areas, and termination of life estates;

(3) The rights of federal employees in the JUA; and

(4) The administration of certain provisions of the Court and disputes settlement by the Relocation Commission following the effective date of partitionment.

The Federal Mediator's Recommendations to the Secretary of Interior

Under the authority of Section 11 of Public Law 93-531, the Mediator recommended that the Secretary of Interior transfer to the Navajo Tribe 250,000 acres of Bureau of Land Management lands in the House Rock Valley-Paria Plateau area at the earliest possible date; that the title to these lands be taken in trust for the benefit of the Navajo Tribe by the U.S. government.[75] The Act provided that the Navajo Tribe shall pay the

U.S. government the fair market value of lands acquired under the authority of this Act.[76] The fair market value was to be determined by the Secretary of Interior.

A related recommendation was that the Secretary of Interior approve the acquisition by the Navajo Tribe of additional acreage up to 270,000 acres, title to such lands being held in trust for the Navajo Tribe.[77] It must be remembered that with a 50-50 partition by acreage, the Navajos must give up 911,041 acres in the JUA which was utilized primarily by Navajo families. The 250,000 acres provided in Section 11 will obviously be insufficient to accommodate all the Navajo families that must be relocated. It should be noted that the "contiguous or adjacent" and "in the States of Arizona and New Mexico" requirements of Section 11 are not present in Section 5(a). Nor is there any specification as to whether the additional lands be private land, BLM land, other land owned by the federal government, or land owned by any state government.[78]

Because of the substantial savings of relocation costs below the appropriations authorized by Congress, the Mediator recommended that the Secretary request the Office of Management and Budget (OMB) and Congress to allocate $6 million to the Navajo Tribe for purposes of defraying part of the costs of acquiring additional Section 5(a) lands.[79] Additionally, $6 million should be appropriated to the Hopi Tribe for purposes of improvements in lands to be partitioned to them.[80]

The Mediator recommended that the U.S. government, not

the Navajo Tribe, be held accountable for payment to the Hopi Tribe such portions of the total sums of the "fair rental value" as might be caused by negligence or delay on the part of the Department of Interior in providing the Navajo lands to which they may relocate.[81]

It was the contention of the Navajo negotiating team that the U.S. government should be held liable for any assessments of possible damages to lands since September 28, 1962 and which might be due payable to the Hopi Tribe. The Mediator recommended the District Court decide this matter.[82]

It was recommended that the Secretary request Congress and OMB to appropriate additional funds, if existing authorizations should be inadequate, for the following purposes:

(1) land restoration;

(2) supplemental relief and assistance funds, if required, during drastic livestock reduction and as part of land restoration;

(3) surveying and fencing; and

(4) work of the Navajo-Hopi Indian Relocation Commission.[83]

If certain duties and responsibilities delegated to the Navajo-Hopi Relocation Commission by the District Court and by the Secretary of the Interior, not an integral part of the Relocation Commission's duties as specified in PL 93-531, should remain after the end of the Relocation Commission's natural life, the Secretary and officials of the Navajo and Hopi Tribes should confer to determine how any such residual duties and responsibilities should be handled.[84]

Navajo-Hopi Relocation Commission

Public Law 93-531, Section 12, provided for the establishment of the Navajo and Hopi Indian Relocation Commission, whose objectives are

> to facilitate development of a relocation plan according to the Act, and to carry out the directed relocation as promptly and fairly as possible, with a minimum of hardship and discomfort to the relocatees.[85]

The Relocation Commission is composed of three members appointed by the Secretary of Interior. Appointed were Hawley Atkinson, a member of the Maricopa County Board of Supervisors; Reverend Paul Urbano, who serves a parish in Phoenix; and Robert Lewis, former governor of the Zuni Pueblo in New Mexico and the only Indian on the Commission.

According to the Act, a relocation plan is to be completed and submitted to Congress by the Relocation Commission within 24 months following the District Court order for partitionment of the Joint Use Area on February 10, 1977. The relocation plan shall:

(1) Be developed through maximum consultation with affected individuals and with certain designated members of their tribal councils;

(2) Avoid or minimize, to the extent possible, the social, economic and cultural disruptions of persons involved;

(3) Identify sites and specify distances to which families shall relocate;

(4) Assure the availability of housing and community services, i.e., schools, clinics, at the relocation site; and

(5) Become effective 30 days after the date of submission to Congress.[86]

The Relocation Commission is to provide adequate notices to all interested parties regarding the proceedings in the development of the relocation plan, develop a system to assess the fair market values of homes and related improvements in the Joint Use Area, and have such property appraised by qualified appraisers, subject to appeal to the Commission. The Commission will then purchase from the head of the household, required to relocate under the terms of the Act, dwellings and improvements owned by the family. In addition, there are provisions for the reimbursement of household moving expenses, additional payments for the difference between the amount paid for the old dwelling and the cost of a comparable replacement dwelling, and a decreasing schedule of incentive payments to move.[87]

Except for persons exempt from relocation by the Act, Navajo and Hopi tribal members presently residing on lands partitioned to the tribe of which they are non-members will be subject to a phased relocation within five years after the relocation plan takes effect.[88]

As soon as the Relocation Commission determines it practicable, JUA residents may voluntarily begin relocation upon notifying the Commission. If a relocatee fails or refuses to move following a Commission hearing to show cause why he should not relocate, he may be court ordered to move by the Arizona District Court.[89]

The Commission is to cooperate to the maximum extent feasible with all federal and state agencies administering

programs which may be of assistance to displaced persons covered by this Act in carrying out the provisions of the Act and the full intent of Congress.

> To the Indian forced to move, no relocation provision - however generous - can replace the land upon which he, his father, and possibly his grandfather have been born and raised. Some Navajos have sworn to remain on their land, whatever the cost. Removal from the land can have a disastrous effect upon those Indians required to undergo such a change. It is hoped that the final decision arranged by the Court will minimize the hardship to the degree possible.[90]

Relocation Commission: Activities

Despite the admonition of U.S. District Court Judge Walsh to the Relocation Commission regarding the necessity of additional land for the Navajo relocatees, Commission Chairman Atkinson often stated publicly that the Commission had "no legal or moral responsibility" to serve as advocates for the Navajo Tribe in its efforts to obtain the 250,000 acres in the House Rock Valley-Paria Plateau area. Lewis, another Commission member, has stated he favors endorsement from the Commission. Urbano has gone along with Atkinson.[91] During a January 12, 1977 conference, Judge Walsh said to the Commission, "In spite of your best efforts, unless you have some place to put these people we have no consummation."[92]

Differences of opinion on the advocacy issue sparked a long and bitter dispute within the Commission in 1976 as Lewis refused to work with the other two members. Following a meeting with the Deputy Undersecretary of Interior in December 1976,

the group agreed to work together again after four months of bitter divisiveness.[93]

Navajo officials repeatedly charged Atkinson and Urbano with "indifference, ignorance, and having no sensitivity" to the needs of the families to be displaced and having no knowledge of the complexities of relocation in general.[94] An example of such insensitivity was a "new town" approach suggested by Urbano who contended that "moving as many Navajo families as possible into new communities would solve many problems, ease tensions and save the federal government a lot of money." Mr. Urbano further suggested the Navajos should learn a "new trade" to "keep up their good dwellings with modern conveniences."[95]

Officials of the Navajo Tribe have discussed the "new town" approach several times, but come up with a major problem: how to move Navajos who have spent their entire lives raising livestock to crowded communities where they would get 8-to-5 jobs.[96]

It should be noted that following the employment of Mr. Robert Overacker as the Executive Director of the Relocation Commission in mid-March, 1977, the Commission has undergone some positive and significant attitudinal changes toward involving potential relocatees in the relocation planning and in their endorsement of the Navajo Tribe's application for the House Rock Valley-Paria Plateau lands. During the Commission's trip to Washington, D.C., March 20-25, 1977, Commission members strongly urged the Arizona, New Mexico, and Utah Congressional

delegation to request the Secretary of Interior to make a prompt decision regarding the sale of 250,000 acres of land in the Paria Plateau to the Navajo Tribe.[97]

As of this writing, the Relocation Commission has not found any sites in which to locate new communities. They have, however, conducted an ongoing program of public information and education by attending chapter meetings; have held meetings with the Navajo-Hopi Land Dispute Commission and with an advisory liaison group comprised of BIA personnel. The Commission has also established field offices in Hard Rock and Second Mesa, published the Commission's rules and regulations in the Federal Register, and printed a brochure providing the potential relocatees with information concerning the relocation assistance program.[98]

Following the Court Order to partition the Joint Use Area, requests for information concerning voluntary relocation escalated according to the Commission. The Relocation Commission is now rapidly moving into the operational phase of voluntary relocation and the preparation of their Relocation Report and Plan to be submitted to Congress, February 10, 1979.[99]

FOOTNOTES

Legal Background:
Navajo-Hopi Land Dispute, 1882 to Present

[1]Healing v. Jones, 210 F. Supp. 125 (D. Ariz. 1962), Aff'd. 373 U.S. 758 (1963), Appendix to Opinion p. 120.

[2]Ibid., p. 116.

[3]Ibid., p. 120.

[4]James M. Goodman and Gary L. Thompson. "The Hopi-Navajo Land Dispute," American Indian Law Review, Vol. III, No. 2, p. 408.

[5]Healing v. Jones, p. 118, Appendix to the Opinion.

[6]David F. Aberle, Statement for sumbission to the Senate Committee on Indian and Insular Affairs, July 24, 1974, pp. 326-327.

[7]Lee Correll, "Who Really Lived in Dispute Area?" in Navajo Times, October 19, 1972, pp. C1-C9.

[8]David F. Aberle, Hearing Before the Committee on Interior and Insular Affairs, U.S. Senate, July 24, 1974, p. 328.

[9]Healing v. Jones, p. 131, Appendix to the Opinion.

[10]Ibid., p. 138.

[11]Ibid., p. 138

[12]Ibid., p. 141.

[13]Hearing before the Committee on Indian Affairs of the Committee on Interior and Insular Affairs, 93rd Congress, March 7, 1973, p. 404.

[14]Ibid., p. 404.

[15]Ibid., p. 404.

[16]Ibid., p. 405.

[17]Mark Panitch, "Whose Homes on the Range? Coal Fuels Indian Dispute," in Washington Post, July 21, 1974. Hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 93rd Congress, July 24, 1974, p. 239.

[18]Ibid., p. 239.

[19]Ibid., p. 240.

[20]Ibid., p. 242.

[21]Ibid., p. 242.

[22]Ibid., p. 242.

[23]Ibid., p. 243.

[24]Ibid., p. 243.

[25]Act of July 22, 1958, Public Law 85-547, 72 Stat. 403.

[26]Richard Shifter and W. Richard West, Jr., North Dakota Law Review, Fall 1974, Vol. 51, No. 1, pp. 74-75. Public Law 85-547: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that lands described in the executive Order dated December 16, 1882 are hereby declared to be held by the United States in trust for the Hopi Indians and such other Indians, if any, as heretofore have been settled thereon by the Secretary of the Interior pursuant to such Executive Order. The Navajo Indian Tribe and the Hopi Indian Tribe, acting through the chairmen of their respective tribal councils for and on behalf of said tribes, including all villages and clans thereof, and on behalf of any Navajo or Hopi Indians claiming an interest in the area set aside by Executive Order dated December 16, 1882, and the Attorney General on behalf of the United States, are each hereby authorized to commence or defend in the United States District Court for the District of Arizona an action against each other and any other tribe of Indians claiming any interest in or to the area described in such Executive Order for the purpose of determining the rights and interests of said parties in and to said lands and quieting title thereto in the tribes or Indians establishing such claims pursuant to such Executive Order as may be just and fair in law and equity. The action shall be heard and determined by a district court of three judges in accordance with the provisions of Title 28 United States Code, Section 2284, and any party may appeal directly to the Supreme Court from the final determination by such three judge district court.

"Sec. 2: Lands, if any, in which the Navajo Indian Tribe or individual Navajo Indians are determined by the court to have the exclusive interest shall thereafter be a part of the Navajo Indian Reservation. Lands, if any, in which the Hopi

Indian Tribe or individual Hopi Indians are determined by the court to have the exclusive interest shall thereafter be a reservation for the Hopi Indian Tribe. The Navajo and Hopi Tribes, respectively, are authorized to sell, buy, or exchange any lands within their reservations, with the approval of the Secretary of the Interior, and any such lands acquired by either tribe through purchase or exchange shall become a part of the reservation of such tribe.

"Sec. 3: Nothing in this Act shall be deemed to be a congressional determination of the merits of the conflicting tribal or individual Indian claims to the lands that are subject to adjudication pursuant to this Act, or to affect the liability of the United States, if any, under litigation now pending before the Indian Claims Commission.

"Approved July 22, 1958."

[27]Healing v. Jones, p. 225-228, Appendix to the Opinion.

[28]Ibid., pp. 225-228.

[29]Richard Shifter, Testimony before Hearing before the Committee on Interior and Insular Affairs, U.S. Senate, 93rd Congress, July 24, 1974, Navajo-Hopi Land Dispute, p. 526.

[30]Ibid., p. 528.

[31]Hearing before the Committee on Interior and Insular Affairs, HR-10337, Department of the Interior Report, 93rd. Cong., 2nd Sess., July 24, 1974, pp. 3-18.

[32]Ibid., S-2424, Navajo-Hopi Land Dispute, pp. 19-30.

[33]Ibid., S-3230, pp. 31-55.

[34]Ibid., S-3724, pp. 56-81.

[35]Public Law 93-531, 88 Stat. 1712, 93rd Cong., Dec. 22, 1974.

[36]Ibid., pp. 3-4.

[37]Ibid., p. 5.

[38]Ibid., p. 4.

[39]Mediation Office, Federal Mediation and Conciliation Service, Hopi-Navajo Land Dispute, Public Law 93-531, Mediator's Report and Recommendations, Vol. II, p. 9.

[40]Ibid., p. 9.

[41]Ibid., p. 10.

[42]Ibid., p. 14.

[43]Kevin Tehan, "Of Indians, Land, and the Federal Government: The Navajo-Hopi Land Dispute," Arizona State Law Journal, Vol. 1976, No. 1, ASU, p. 208.

[44]Environmental Analysis Record, Navajo Tribe, "Application to Purchase National Resource Lands in House Rock Valley-Paria Plateau Area, Coconino County, Arizona." U.S. Dept. of Interior, Bureau of Land Management, March 1976.

[45]Ibid., p. i.

[46]Ibid., p. i.

[47]Ibid., p. i.

[48]Ibid., p. i.

[49]Ibid., p. ii.

[50]Ibid., p. ii.

[51]Ibid., p. ii.

[52]Ibid., p. ii.

[53]Ibid., p. ii.

[54]Ibid., p. iii.

[55]Ibid., p. iii.

[56]Ibid., p. iii.

[57]"Navajo Land Selection Environmental Impact Statement, Proposed Outline," July 28, 1976. JUA Administrative Office, Flagstaff, Arizona.

[58]Mediator's Report and Recommendations, Vol. 1, p. 1

[59]Ibid., Vol. II, p. 53.

[60]Ibid., Vol. II, p. 54.

[61]Ibid., Vol. II, p. 51.

[62]Ibid., Vol. II, p. 24.

[63]Ibid., Vol. II, p. 52.

[64]Arizona Republic, Section B, p. 1. Feburary 11, 1977.

[65]Ibid.

[66]Ibid.

[67]Ibid.

[68]PL 93-531, Sec. 13, 25 USC 640d-12, p. 6.

[69]PL 93-531, Sec. 14, 25 USC 640d-13, p. 7.

[70]Mediator's Report and Recommendations, Vol. I, p. 2.

[71]Ibid., Vol. II, p. 31.

[72]Ibid., Vol. II, p. 67.

[73]Ibid., Vol. II, p. 68.

[74]Ibid., Vol. II, p. 66.

[75]Ibid., Vol. II, p. 22.

[76]Ibid., p. 26.

[77]Ibid., p. 24.

[78]Ibid., p. 27.

[79]Ibid.

[80]Ibid., p. 30.

[81]Ibid., p. 32.

[82]Ibid., pp. 34-5, 69.

[83]Ibid., p. 69.

[84]Ibid., p. 70.

[85]Title 25, Indians, Chapter IV, "Navajo and Hopi Relocation Commission," Federal Register, Vol. 41, No. 220, November 12, 1976, p. 49924.

[86]Ibid., p. 49984-5.

[87]Ibid., p. 49984.

[88]Ibid.

[89]Ibid.

[90]Tehan, op.cit., p. 211.

[91]Gallup Independent, "Atkinson Predicts Tribe's Anti-Relocation Efforts," February 12, 1977.

[92]Navajo Times, "Relocation Stand on House Rock Unchanged," January 27, 1977, p. A-7.

[93]Gallup Independent, op.cit.

[94]Ibid.

[95]Arizona Republic, "New Towns Proposed for 3500 Navajos," November 8, 1976.

[96]Ibid.

[97]Atkinson, "Activities in Washington, D.C., March 20-25, 1977," Report, Navajo-Hopi Relocation Commission.

[98]Robert Overacker, Executive Director, Navajo-Hopi Indian Relocation Commission. Personal Communication, April 21, 1977.

[99]Navajo-Hopi Relocation Commission, "Third Quarterly Report of the Navajo-Hopi Relocation Commission," FY 1977, January 1, 1977-March 31, 1977.

RESETTLEMENT

Introduction

Except for short term social surveys sponsored by resettlement administrations to obtain census data on future relocatees before removal, neither planning agencies nor scholars showed much interest in the human dimensions of compulsory relocation until recently.

The most systematic study to date of the impacts of forced removal on rural populations has been carried out by Scudder and Colson, anthropologists, among tropical Africa's Gwembe Tonga, 57,000 of whom were relocated during 1956 and 1957 in connection with the Kariba Dam Project.[1]

In analyzing their data on the Gwembe Tonga and through examining the impacts of reservoir resettlement with its concomitant radical life changes on these people, Scudder and Colson noticed a number of regularities which they believe may characterize any population faced with compulsory removal. Scudder and his colleagues are aware of no exceptions among rural populations to the generalizations that have been formulated over the last decade from research which has been carried out the last twenty years. Results of forced removal in the western hemisphere and in the United States, such as the Tennessee Valley Authority's relocation of over 60,000 people and

similar situations in the states of Kansas and New York, are consistent with findings in areas which have conducted field research.[2] The generalizations are relevant also to urban populations that have a strong sense of community as documented by Hartman in relation to the Yerba Buena convention center project in San Francisco where 4,000 people were forced out of their community following a three-and-one-half year litigation.[3]

Thus, Scudder's predictive theory is believed to have world-wide application to any people who have a strong sense of community ties, irrespective of racial, ethnic or cultural backgrounds. It is especially applicable, according to Scudder, to communities in which the well-being of the people is tied to the land and where their livelihoods require a highly specialized knowledge of local conditions which is not easily transferrable.[4] This would include the Navajo whose entire lifestyle is so intricately tied to the land. The Navajos consider themselves a basic part of the land they call "Mother Earth"; it is part of their identity, their very being. Navajoland is their birthright and they could have no other.

Drawing on longitudinal field research undertaken primarily between 1956 and 1968 in Africa, Scudder and Colson formulated a predictive theory as to how rural populations respond to compulsory relocation. This theory will be briefly presented here and discussed in more detail in the latter part of the chapter.

The Impacts of Compulsory Resettlement

For the large marjority of any population, compulsory

relocation is a traumatic experience which causes multidimensional stress. Because most people do not wish to move, they resist and inevitably this resistance is broken and movement occurs. As people are uprooted they come to question the efficacy of their own behavior, values and the ability of their leaders to protect their most fundamental interests.[5]

Unfortunately, the stress of resettlement is usually aggravated by the inability of governments to execute efficiently a large scale program of forced removal and resettlement. Most relocation authorities, unaware that compulsory relocation is an incredibly complex process, tend to underestimate the amount of time, monies, personnel and other resources necessary for the resettlement scheme. According to Scudder, to date no government has shown the capacity to deal effectively with the complexities associated with compulsory resettlement.[6]

Where governments have attempted to use resettlement as a mechanism for rapid economic change through various means of economic opportunities, i.e., intensification of agriculture, they have encountered many difficulties associated with the creation of new land use systems. Most governments are then forced to provide famine relief during relocation and for some time thereafter. Already suspicious toward government, the relocatees find themselves dependent for food on the very agencies that moved them, probably further increasing the stress and humiliation of resettlement. Often food consists of staples with which the people are unfamiliar so that they must cope with new foods at the same time as they are trying to adjust themselves

to a new physical and biotic environment. Of necessity also is the relocatees' adjustment to the host population, whose language and customs may be different and whose reception of the relocatees may be hostile.[7]

Compulsory relocation has both short and long term effects upon the relocatees correlated with what Scudder terms the transition period. This begins as soon as the first rumors about the possibility of relocation occur, it peaks when the people are officially informed to move, continues throughout the move and immediately following removal. It ends when the relocatees regain their economic self-sufficiency in the new land and feel at home in their new habitat.[8]

The multidimensional stress associated with the transition period can be divided into psychological, physiological and sociocultural components for analytical purposes.

The Consequences of Resettlement: The Gwembe Tonga

In 1957 and 1958 the Gwembe Tonga tribe of Central Africa, a matrilineal society numbering over 56,000 members, were subjected to a massive uprooting and resettlement in connection with Kariba Dam (Zambia and Rhodesia).[9] Much of what happened as a consequence appeared to be common phenomena whenever people are subjected to forced removal in the relocation of entire communities with the immediate result being an upheaval in economic and social routines.

The Gwembe Tonga had had no part in the decision to build Kariba Dam and had no influence with political leaders who headed

the federal and territorial governments. Insofar as the majority understood what was happening, they regarded it as a theft of their land by powerful Europeans against whom their government could no longer protect them. They opposed the move though the government-appointed chiefs gave their formal approval of the resettlement scheme. The undermining of local leadership left the Gwembe people without effective leadership during the demoralizing period immediately following relocation.

What held villages together through the resettlement period seems to have been the network of kinship ties linking the residents and their long familiarity with one another rather than adherence to their leadership. Kinship for the Gwembe gave a stable underlying basis for social life and provided both emotional and substantive support. Throughout the resettlement period, the Gwembe Tonga intensified and reinforced their kinship system to restore order to the world at a time of uncertainty and when they no longer had faith in the political order.[10]

Sociocultural stress was inferred by a number of regularities Scudder and Colson observed at Kariba and which they believe could be generalized to other resettlement projects. Some indicators were the reduction or elimination of certain cultural activities because the relocatees were unfamiliar with their new habitat or feared that their transference would alienate the host population.[11] Some behavioral patterns were dropped because they were tied to the old habitat or were irrelevant in the new. The temporary or permanent elimination of a wide range of activities further increased the degree of stress as it was these

activities that had enabled the people to cope with uncertainty and misfortune, including death and ill health, in their previous environment.[12]

The Gwembe Tonga's device of postponing non-essential activities was effective in minimizing the immediate impact of relocation upon their kinship relationships, but it apparently was an inappropriate crisis measure in the area of family relationships where parents and children themselves were held to the direct performance of duties which could not be postponed without damage to the maintenance of the household. It was here that relocation had an immediate and severe impact often straining family relationships to the breaking point. The Gwembe people had not foreseen this. They viewed the family as a group which would move together and carry out its familiar duties in the new setting without need of much adjustment. They had not foreseen that problems would arise because the resettlement altered the context within which family members interact or that it would disrupt the old reciprocal arrangements of familial responsibilities.[13] Relocation created new tension points which families had to cope with on an ad hoc basis.

Though quantitative evidence was lacking because of absence of baseline surveys of public health prior to relocation, the Gwembe people's association of resettlement with ill health may be an accurate reflection. Factors supporting this view included nutritional stress caused by inadequate food and domestic water supplies and changes in the nature and incidence of disease in their new habitats. Many deaths and serious illnesses did occur

among the Gwembe Tonga in the years following the move.[14]

Considerable psychological stress was observed among adult females of all ages. In the 1950s few women had traveled extensively outside their matrilocal neighborhood within which marriage was endogamous. As farmers they were closely identified with alluvial gardens which had been passed down through kin over generations. It was for these gardens and graves rather than homes made from temporary materials that the women grieved.

Once resettled, Gwembe people perceived a different relationship to their new land. They spoke often of their sense of loss of lineage continuity now that they no longer cultivated inherited land cleared by lineage ancestors. People thought of themselves as "shifting cultivators," using the land for a year or two and then abandoning it. It did not form an estate which could be passed on to heirs, nor did it have much emotional significance for them.[15]

In summary, the Gwembe Tonga of Central Africa responded to forced removal by closing ranks along their traditional lines of social organization to provide a sense of continuity and order through the crisis, by simplifying their rituals, and by discontinuing practices they felt inappropriate to their new circumstances. Scudder suggests this tendency to close off social systems may be a universal response to forced relocation of whole or parts of communities.

Scudder's Predictive Theory of Compulsory Resettlement

Almost without exception people resist forced removal. First, the relocation is compulsory with the local people having no option but to move or be moved. Where resistance fails due to countervailing forces and relocation occurs, the resulting trauma is extreme.[16] Indeed, it is difficult to imagine a more grevious insult to an entire community than to be forced to leave a beloved home.[17] This is especially true of the elderly and illiterate peoples who have lived all their lives in a single rural community.

When forced removal occurs, people know that they have suffered a terrible defeat because of the inability of their actions mediated through their leaders and institutions to protect their most fundamental interests, namely their homes and livelihoods.[18] Local leaders loose legitimacy regardless of whether or not they supported or opposed relocation since in the former case they were discredited by the mass of the relocatees and in the latter the execution of resettlement showed their impotence.[19] Religious practices associated with community life also come in question at a time when people are most vulnerable to fears and insecurity.[20]

Although certain individuals may welcome resettlement, the majority usually resent being forced to move. This resentment is apt to foster anti-government attitudes which make planned development more complicated. Since the people did not ask to be moved, they may expect the government or relocation authorities to assume the major responsibilities for their rehabilitation

in their new habitats.[21] If government does too little, it is severely criticized; if it does too much, a dependency syndrome is likely to develop among the relocatees.

Transitional Phase

Compulsory relocation has both long and short term impacts on the relocatees as correlated with the transitional period of resettlement. The transition period starts when the first rumors begin to circulate, not from outside agitators, but from the threat of forced removal upon peoples attempting to protect their homes and land. It peaks when the people are informed officially that they must move, during the actual move itself and during the months immediately following removal.[22] The transition period ends when the relocatees regain self-sufficiency and work out a satisfying relationship with their new environment and its previous habitants, hereafter referred to as the host population. The majority of people tend to adapt to their new surroundings within two to ten years following their physical removal.[23] In a Senate testimony, Scudder stated,

> In my own research dealing with relocation in connection with dam construction, I am aware of no cases in which the period of transition following physical removal has lasted for less than five years.[24]

Indeed, in some cases it continues today, such as in Egypt, the Sudan and Ghana where people were relocated in connection with the High Dam and the Volta Dam more than ten years ago.[25]

The Impacts of Compulsory Resettlement

For the large majority of any people the world over,

compulsory relocation is a traumatic experience characterized by multidimensional stress which can be broken down analytically into psychological, physiological and sociocultural components, all of which are interrelated in a synergistic fashion. The stress of resettlement in terms of perceived hardship begins well before the actual removal and continues in the new relocation areas where the people find themselves as unwilling pioneers.

Psychological Stress

Two types of psychological stress can be identified. One arises from the increased anxiety and uncertainty which accompanies the resettlement process, both the worrying about relocation before the move and the uncertainty that weighs upon the relocatees during the process of adaptation to their new habitat.[26] The other has been aptly labeled by Fried, in describing relocation in connection with urban renewal in the United States, as the "grieving for a lost home syndrome."[27] People undergo a bereavement and grieving period analogous to that associated with the death of a family member.[28] Though psychological stress weighs heavily on the elderly in particular, its effects appear less severe when old people are relocated as part of a community rather than as members of a small family or as individuals.[29] It would not be surprising to find mortality rates on the rise if the psychological stress of coping with relocation largely on their own leads some elderly people to die at an earlier age than would have been the case had they remained among familiar surroundings in their old homes.[30]

People are unhappy about leaving graves, a theme which characterizes all resettlement schemes. And, of course, they worry about what would happen to them in the resettlement areas, especially in those which lay in unfamiliar locales. The truncation of certain customary activities following relocation causes additional uncertainty. The stress of resettlement is so great that it restricts the capacity for major innovations of any kind during the transition period. People adopt a security orientation; they attempt to cope with uncertainty and to eliminate further risks by clinging to old behavioral patterns, old institutions and old goals. This will be discussed in more detail in the section on socio-cultural stress.

Physiological Stress

One of the major lacks associated with studies of compulsory resettlement is the absence of baseline studies of disease and nutritional health among the relocatees before their removal. For this reason it is nearly impossible to document increased mortality and morbidity rates arising from the resettlement process, but there is nonetheless good reason to expect that the transition period would be associated with a higher death rate and with an increased incidence of disease.[31] Factors supporting this interpretation include higher population densities in relocation areas, nutritional stress caused by inadequate food and domestic water supplies and changes in the nature and incidence of disease.

Because of land scarcity and the desire of governments to

improve social services, the relocatees usually are resettled in larger communities or former communities are packed more closely together. Under such conditions it is reasonable to expect the spread of infectious diseases and to expect increased "parasite loads," especially where no change has been made in sanitary practices or where new sanitary facilities were not carefully thought out in terms of local customs and beliefs.[32]

One difficulty during the years immediately preceding relocation is that uncertainty about the future may cause the people to reduce their productivity, especially if officials warn them not to rebuild their dwellings or plant old fields. Under such circumstances, it would not be surprising if people also cut back production in other activities, so that cash and food resources are substantially lower than would be the case ordinarily.[33] The possibility of special demands on existing food supplies must also be kept in mind.

A rather different type of problem characterizes the move itself. Though the people may have ample food reserves, they are not apt to have immediate access to these while enroute to their new homes or upon arrival, especially when long distances are involved.[34] Furthermore, some supplies like food for the relocatees' livestock are oftentimes not available. One result of this situation was the death of a substantial number of livestock in the new communities. Inequitable prices may also place the people at a disadvantage before relocation, especially if they are told to dispose of their livestock before moving.[35]

Following relocation, some food relief was necessary in

connection with all the African projects studied. As previously mentioned, food relief often consists of staples with which the people are unfamiliar so that they must simultaneously cope with new foods and preparatory techniques and try to adjust themselves to a new physical-biotic environment and to the host populations, whose beliefs and customs may differ from the relocatees' life-styles.

To the stress of resettlement and hunger is sometimes added the terror of inexplicable deaths, as viewed by the relocatees, in a hostile new habitat.

Sociocultural Stress

This particular type of stress is inferred from the way people react to the implementation of resettlement. A crisis in cultural identity is precipitated by the people's realization that their actions, institutions, and values are totally incapable of protecting their most fundamental interests, their homelands and livelihoods, and thereby prevent relocation.[36] There is an undermining of local leadership. Where local leaders cooperate with the relocation authorities, their influence and authority over the relocatees will most likely suffer since they will be associated with the detestable resettlement authority. On the other hand, if local leaders resist relocation the subsequent removal of the people is a dramatic admission of their impotence. In either case, the relocatees will be left without strong leadership during the transition period.[37]

Scudder has hypothesized that those undergoing relocation

behave as if they were part of a closed social system. In responding to stress, the relocatees attempt to cling to the familiar through what Scudder calls a process of "cultural involution." Not only do they stick to old routines, but they also adopt a defensive stance by falling back on a core group of supportive personnel/kin with whom they intensify interaction during the "period of most intense insults."[38] In the Kariba case, these were kin and other dependents with whom one previously shared a common residence.

Another indicator of sociocultural stress is a reduction of the relocatees' cultural inventory immediately following relocation and hence a simplification of their social system. This occurs for two reasons. First, certain behavior patterns may appear to be irrelevant in the resettlement areas and are dropped, i.e., important mechanisms for dealing with important life crises that were tied to a particular geographic area.[39] Second, other behavioral patterns are dropped through fear of ridicule by the hosts, fear of frightening spirits in the new habitats, and other adverse repercussions.[40] Diviners and spirit mediums are thus slow to reestablish their "practices" within unfamiliar surroundings. Stress must also occur when the relocatees have to seek out unfamiliar diviners and herbalists among the host population in order to learn the cause of illness among family members and to obtain treatment.

By removing familiar routines, the acting out of which give people a feeling of security, reduction in cultural inventory during the transition period can be expected to increase societal

stress and reduce even further the capacity for innovative change at that time.[41] This is especially the case with routines that alleviate uncertainty associated with a wide range of misfortunes, including death and unfavorable agricultural conditions.[41]

These examples illustrate the type of coping mechanisms used to bring the transition period to an end. The emphasis is on continuity rather than on change and on the familiar rather than on the new. Scudder stated he is not aware of any cases associated with resettlement of more radical social change from within, what anthropologists call "revitalization movements."

> Involving one or more communities, as opposed to separate individuals, these are deliberate, organized conscious attempts by some or all of the members of a society to construct for themselves a more satisfying culture.[42]

Presumably the stress associated with relocation is so great that people, in attempting to cope with uncertainty and to reduce further risks reject radical changes in their behavior, their institutions, and their goals. Thus, to introduce major changes in economic and social behavior during the transition period would be unwise, since to do so would only further increase the degree of stress among relocatees. A better strategy would be to help people get back on their feet at the earliest possible date. In other words, as Butcher has pointed out, resettlement and development should be kept apart as separate processes.[43]

Planning and Execution of Resettlement Schemes

There are two broad types of resettlement policy. The first type is characterized in the United States, where relocation

authorities generally consider the individual household as a unit. Though towns are moved as physical units, rarely do responsible agencies ascertain whether or not rural residents wish to move as a community. Nor are they concerned with hardships that befall families or individuals who move out of the area on their own initiative. Rather, the function of relocation agencies is to assist those who remain behind to find new homes. The emphasis is on housing as opposed to community, new job opportunities or new systems of land use.[44]

Although the approach to resettlement in the United States may be the most suitable for people characterized by a relatively high level of education and job skills and by high individual and family mobility, it is not suitable for community-oriented ethnic minorities, the rural poor, and the elderly.[45] Yet, in the United States it is precisely these categories that tend to be disproportionately represented in relocation. A number of major dam projects have flooded out the heartland of Indian reservations and up to 50% of the population relocated in connection with the TVA dams were rural sharecroppers.[46] As for Perry Lake (Kansas) farmers who were required to relocate, Eidem notes that their farming skills were not as easily transferred as other skills because they were partially tied to knowledge of a particular piece of land and, in a broader sense, to knowledge of an area and its climate. Such categories of relocatees often hope for land close to their former homes.

On the contrary, in Africa, resettlement has been increasingly viewed as a scheme in which government planners attempt to

relocate communities as communities, primarily because most residents want to be resettled with kin and because they often maintain their strong sense of community.[47]

The rest of this section will concentrate on the resettlement of communities as opposed to that of individual families with a major focus on topics that have received insufficient attention to date.

Resettlement Timing and Financing

Planning for resettlement is seldom initiated at an early enough stage. The same applies to setting up a suitable organization to administer the relocation program. At Kariba, surveys to identify potential resettlement areas were not initiated until after the 1955 decision was made to build the dam.[48] Under such circumstances, there is insufficient time to plan and execute resettlement properly. Rather, the move becomes a crash tension-laden program to move people physically into new environments which may not be capable of supporting them even on a subsistence basis for years to come. Part of the problem arises from the tendency of governments to oversimplify the complexities associated with resettlement.[49] The relocation agency is apt to fall further and further behind in its program and may have to call on outside assistance for help.

Another aspect of the problem concerns the incomplete integration of the resettlement and rehabilitation of inhabitants into an overall project design at an early enough date. Indeed, in some projects, integration never really takes place, i.e., at

Kariba where the Federal Power Board was only interested in the economic generation and transmission of power. The residents were not seen as a resource whose development could benefit themselves and their country but as an "expensive nuisance."[50]

It is important to emphasize the word "expensive." Not only is relocation complex, but it is very costly in terms of finance, personnel, equipment, and time. From Scudder's experience with major African reservoir resettlements, cash final costs tend to be two to three times the original estimates![51] These costs, along with the human costs that accompany the transition period, are hard to justify when relocatees have still to reestablish their former productivity several years after resettlement.

The logical corrective, according to Scudder, is to broaden the preinvestment feasibility surveys to include whatever social, medical, ecological, and other surveys are necessary to plan and implement a positive, productive resettlement properly.

Resettlement Schemes

In studying the complex interrelationships between settler communities and relocation agencies as part of a single system, it is important to understand not just the behaviors, premises, attitudes and expectations of the relocatees and their host population but also those of the agencies that have a major responsibility for relocation and development.[52]

Such bureaucracies should be viewed as separate social and cultural systems. As Foster pointed out, "A bureaucracy in its structural and dynamic aspects is strikingly like a 'natural'

community such as a tribe or peasant village. It is a real society with a real culture."[53] Bureaucratic "cultures" are based on explicit and implicit premises to which their members subscribe and take for granted.[54] One of these premises is what Scudder refers to as "the development from above syndrome," that is, the tendency for relocation/development agencies to impose on relocatees plans that have been worked out within the agency with minimal understanding of the relocatees' culture and minimal input from potential relocatees. A "benevolent paternalism" is part of this syndrome, along with the expectation that relocatees should be grateful for what government is attempting to do for them.[55]

Community resettlement is a type of settlement scheme and the failure rate of resettlement schemes is discouragingly high on a worldwide basis. Planners do not yet have the knowledge to execute a successful scheme in the same way engineers can build a successful dam. This lack of knowledge is especially true of the forced resettlement of large numbers of people. Yet, because relocation is compulsory, governments have a responsibility to help the potential relocatees.

The high failure rate of settlement schemes around the world can be attributed to the fundamentally different premises held by relocation project personnel and relocatees and can in part be attributed to a one-way communication, with project personnel dictating to settlers whose behaviors they only partially understand.[56] Even where administrators are willing to facilitate self-reliance among relocatees, poor communication can cause

misunderstandings and efforts misinterpreted. Government-initiated suggestions are often taken as orders and are strongly resented by relocatees.

Not only must two-way communications be established between relocation authorities and relocatees, but also conflicting behavioral patterns and goals must be understood to the extent necessary for avoiding conflicts that will jeopardize relocation and subsequent economic development.[57] More use should be made of operations research, of skilled social scientists, and administrators whose job it would be to study the capacity of relocation and development agencies to do the jobs they are committed to, to point out conflicting behavioral patterns and premises within these agencies, and to interpret and clarify internal conflicts within agencies and between agencies and relocatees.[58]

Potential relocatees should be more involved in planning than in the past, with more emphasis placed on facilitating economic development by encouraging and assisting local initiative and innovation.

Economic Systems Associated With Relocation

The development of viable economic systems to support relocated communities has been one of the least satisfactory aspects of relocation. In the United States, very little emphasis has been placed on the loss of livelihoods in connection with both reservoir resettlement and urban renewal. Though compensation is provided for lands and structures lost, for moving expenses to new homes, and sometimes for finding new

homes, there is a general assumption that people will be able to find jobs and to purchase equivalent land and homes on their own initiative.[59] Although this may be true for the large majority in an industrial society, this assumption is probably unwarranted for certain categories of people. These include the elderly, certain ethnic minority groups, and the uneducated and unskilled low income groups.[60]

A major problem associated with relocation of "peasants and tribesmen" has been the increasing scarcity of equivalent agricultural land. For this reason, sufficient funds for resettlement should be included in the project estimates including funds for the legal acquisition of land both for resettlement and for economic purposes.[61] Land preparation and extension work should begin prior to relocation. Wherever possible, small pilot projects are recommended to test the viability of proposed land use systems in the new resettlement areas.

Even where planning is excellent, agricultural intensification or other types of economic development is an incredibly complex process, especially since one must deal with total communities rather than with a selected few. Furthermore, these are communities that are under stress as a result of relocation and are apt to resent further government "meddling" in their lives.

Where government planning and execution of viable economic systems are poor, it may be many years before the relocatees get back to their original subsistence economy. This situation

occurred at Volta where World Food Program assistance was still needed seven years after relocation.[62]

According to Scudder, no resettlement authority has developed a satisfactory policy to cope with the broad problem of integrating the social and economic aspects of relocated communities. Compensation and access to improved service facilities are not sufficient. In spite of the timing problems, it should be possible to coordinate the relocation of large numbers of people in such a way that they may be able to turn to viable economic activities once relocated.[63]

In recent African projects, too much emphasis has been placed on housing and too little on the economic bases for supporting new communities. Were these factors ranked, Scudder believes viable land and water systems should receive top priority with housing as a low priority item. Improved social services are probably the easiest aspect of resettlement to achieve.[64]

Relationships Between Relocatees and Hosts

Too little attention has been paid to the relationships between relocatees and prior inhabitants, or hosts, in relocation areas. These relationships are oftentimes strained for a number of reasons, of which the most significant is increased pressure on limited land and competition for economic resources.[65] At Kariba, for example, land conflict was a problem twelve years after relocation in the Lusitu resettlement area[66] because relocatees were expanding their fields into the territory of the

hosts who continued to maintain authority over the land involved.

To cope with this problem, at the very minimum either the relocation agency or a designated agency should obtain, prior to relocation, the legal authority to intercede in land disputes that threaten to create animosity among relocatees and hosts.[67] Especially stressful is the case where an entire political unit of relocatees is moved into another political area and the two sets of leaders, for the relocatees and for the hosts, come into conflict with one another.[68]

Another source of tension between the new settlers and hosts arises when the settlers are provided with new housing and improved social and economic services that are not available to the host population. The proper approach here, according to Scudder, is to involve the hosts in the development planned for the relocatees, even though this involvement will increase cash and staff requirements.[69] It is too much to expect the hosts, especially if they are losing some of their land,

> to understand that government assistance is being provided as compensation for being uprooted and removed and hence is exclusive to those undergoing relocation. At the very minimum new services should be equally accessible to both old and new residents.... To do otherwise is to risk trouble which could have serious consequences.[70]

Scudder's Relocation Theory and the Navajo People

> Our homes are sacred to us. If you must mistakenly pass legislation which says to our people that they must lose their homes and their life, I cannot promise you that the result will be peace and resignation.

> I would not respect a man, whatever his race, who gives up his home without a fight and I do not think you would respect such a man either. I am not threatening violence, but I am telling you that if that which we fear must come to pass, you will have been forewarned.[71]

In June 1974, Scudder visited with residents of the Joint Use Area on the Navajo reservation to determine whether or not his theory of compulsory resettlement was applicable to the Navajo people. Indeed, Scudder found many parallels that were remarkably consistent with his findings in studying rural communities undergoing compulsory relocation. The theory is especially applicable to the Navajo people of the Joint Use Area in that their entire lifestyles are so intricately tied to their ancestral lands and a majority of them have lived out their lives in a single rural community, most notably the Navajo women in a matrilocal society.

After interviewing several Joint Use Area (JUA) residents, Scudder concluded that already people are tensing up and the same rumors he heard with distressing frequency in Africa had begun to circulate among the Navajos: that the move to relocate them was basically a government and Anglo tactic to "steal" the land from the Navajo and Hopi alike.[72]

While such rumors are dangerous, they are virtually impossible to stop since they arise not from outside agitators but from the threat of forced removal. In all the African projects studied, rumors flourished and on two occasions they contributed to two serious riots and in one case a violent confrontation with the police killing eight homeowners and

wounding at least 32 men.[73]

"An elderly (Navajo) man matter of factly stated that neither he nor his neighbors would willingly leave the area..."[74] As the possibility of violence is definitely present, Scudder fears that if forced removal is pushed, the day will come when government security forces will be called in to intervene and to eject people forcibly from the only homes a majority of them have ever known.[75]

In the JUA case, psychological stress among the people dates back to the 1962 Court decision which froze all developments in the area pending resolution of the land dispute.[76] The effects of this Court Order have been tragic. Legally, people could not improve their homes without the approval of the Hopi Tribal Council. Vital government and Navajo tribal programs to improve housing, water supplies and other facilities crucial to improved health were stopped. Here was an incredible situation where a judicial system designed to protect peoples' rights was also responsible for prolonging conditions known to be correlated with indices of poor health status.[77]

In comparison with the rest of the Navajo Nation, much of the JUA has an unusually high incidence of extreme poverty and of illness resulting from poor environmental health. According to the 1970 U.S. Census, the median number of school years completed by JUA residents was a mere 1.7 as opposed to 4.1 for the rest of the Navajo Reservation.[78] Median family income was lower ($2052 versus $3084) and unemployment rates

were higher.[79] In spite of the lack of supporting statistics, Public Health Service officials serving the JUA residents were convinced that both morbidity and mortality rates were higher. This is only logical granted the area's lower level of environmental health.

While historically this situation has been influenced by extreme isolation and an inadequate road system, it has been exacerbated by the 1962 Court Order. Prohibited from making home improvements without Hopi approval (which became less frequent as animosities grew), the Navajo were placed in the demoralizing and stressful situation of either ignoring the Court Order or of marking time.[80] Psychological stress has, of course, increased considerably since 1972 when JUA residents became more and more aware of Congressional moves to evict them from their ancestral homelands. Scudder predicted the stress will increase further should force removal be approved.[81]

Already in June 1974, some Navajo people believed that recent deaths among their elderly had been hastened by the ominous turn of events up to that time.[82]

In addition to psychological stress, there were several other reasons why Scudder anticipated increased morbidity and mortality rates among JUA residents. Especially relevant to the JUA situation is crowding. Because of the land scarcity forced removal is usually accompanied by increased population densities as people are crowded together into smaller areas. Where people are unaware of how diseases spread, as with the Navajo, and where environmental health is poor, crowding is a

major factor responsible for a higher incidence of disease.[83] There is obviously insufficient land within the Navajo Reservation to absorb all the JUA residents. Regardless of the outcome, forced removal will increase population densities in certain areas, hence threatening the relocatees with a number of illnesses associated with crowding. For the Navajo, these include tuberculosis, bacillary dysentaries (especially where water supplies are inadequate), and upper respiratory infections which in the young and elderly may become seriously complicated by streptococcal infections.[84] Also included are epidemic diseases like measles which could be fatal among Navajo children if innoculation programs are inadequate, skin diseases like impetigo, and eye diseases such as tracoma.[85]

Sociocultural stress adversely effects the relocatees' capacities to adjust to new homes and opportunities. They stick to the most familiar ways, changing only so much as is necessary to reestablish old activities in a new habitat. Faced with such cultural conservatism it is very difficult for outside agencies, no matter how well-meaning, to introduce new occupations and ideas. In the Navajo case, for example, it would be extremely unlikely that the conservative and pastorally oriented residents of the Joint Use Area could become successful farmers on the Navajo Irrigation Project as had been the recommendation in 1974. The Irrigation Project would require not only major technological changes, but also major changes in social organization and cultural values.[86]

According to Beyal, who in 1974 conducted a comprehensive

social survey of Navajo households in the JUA, sociocultural stress was already being felt by the people as a result of the combined impacts of the 1962 Court Order and with the threat of forced removal in the near future.[87] In addition to feelings of uncertainly among the Navajo people, Beyal also noted a general weakening in family and community structures. With goals for the future frustrated, parental responsibility for children was thought to be on the wane.

According to Scudder, the combined impacts of compulsory relocation and compulsory livestock reduction, as court ordered by the District Court of Arizona October 14, 1972, would exacerbate the kinds of problems mentioned.[88] Livestock were completely eliminated in the Volta resettlement in Ghana and the Aswan resettlement in Egypt and Sudan which involved 100,000 people and this contributed considerably to stress of the people moved.[89]

Further insights into the types of multidimensional stressors that can be expected in the event of forced removal of additional Navajo families can be gained by looking at the fifteen Navajo families, comprising approximately ninety-two individuals, who were evicted from within the Hopi Reservation. However, a note of caution is necessary since these families represent an extreme and particularly inhumane form of relocation which would not characterize the removal of the Joint Use Area Residents.

Relocation: Official Actions Taken

The Navajo Tribe, on behalf of the fifteen families, had unsuccessfully tried to appeal the Arizona District Court's Healing v. Jones decision of 1962. When the U.S. Supreme Court denied the Navajo Tribe's petition for a Writ of Certiorari (to be heard at a higher court) on October 10, 1972, the Tribe had exhausted all its legal remedies.[90] The Hopi Tribe was then legally free to evict the Navajo families residing in District 6.

On November 10, 1972, Navajo tribal officials assisted in moving the Navajo families, their livestock and other important possessions to the Navajo Tribal Fairgrounds in Window Rock, Arizona, where they moved into some small trailers until other arrangements could be made.[91] In the ensuing months, one extended family system of seven nuclear families moved to the Teesto area to live in the homes of their kin. This family unit, with the assistance of relatives, has to no avail made endless appeals to the Navajo Tribe and the Navajo Land Dispute Commission to construct for them some permanent homes in Teesto. The other extended family system of eight families were moved from the fairgrounds into Tribal low-rent housing units in Window Rock only to be evicted again later for delinquent accounts (The Navajo Tribe paid off these accounts). Families from this extended family have since dispersed into three or four general areas on the Navajo Reservation, living in the homes of relatives, and have not as a general rule visited one another.

Due to the lack of foresight in planning for these relocatees, they were neither compensated for their lands, homes and related improvements left behind nor had resettlement areas been identified for them.[92] Earlier attempts at some systematic pre-relocation planning by responsible officials, apparently uncoordinated, were never executed. Thus, Navajo tribal officials were forced to respond to the many unanticipated crises associated with the forced removal of these families.

Available documentation of efforts at some pre-relocation planning are summarized below.

--Appraisals of lands, homes, and property were to be undertaken.[93]

--A potential resettlement site on an 1100-acre farm in New Mexico was suggested.[94]

--Legal services were made available to potential relocatees.[95]

--Deliveries of surplus commodities (staple food) to be made easier for affected families.[96]

--The Bureau of Indian Affairs was requested to find alternative locations for resettlement.[97]

--Identify affected families, conduct site visits and report findings, especially as to ownership of livestock.[98]

--Field reconnaissance conducted, families were interviewed and report filed with the Navajo Area Director, BIA.[99]

--Relocation of families should be segmented with Camp B relocating first.[100]

--Explore BIA and Navajo Tribal resources available to provide suitable housing.[101]

--Families to move only after all legal or personal resources were exhausted.[102]

--Perhaps a person-to-person appeal to the Hopi leadership by the elder in Camp A could prolong their stay in District 6.[103]

--Recognition was given to the fact that unless something was done outside the judicial process, these families would not be compensated for their lands and homes.[104]

--It was suggested that the Navajo Tribe attempt to get some commitment from the Hopi Tribe to permit these Navajo families to remain on their lands, possibly in exchange for permission to Hopis living on Navajo lands.[105]

--Affected families were notified of their imminent removal, plans were developed for their possible relocation in adjacent districts.[106] In terms of material possessions, it was thought they could move without difficulty.

--Accurate resettlement sites were to be identified and the feasibility of constructing new homes were to be explored.[107]

--The Navajo Tribal Legal Counsel were to meet with the families in Window Rock on October 31, 1972, for further planning.[108]

--There were no available records regarding the relocation of these families on November 10, 1972.

Contacts Prior to the Move

Although several pre-relocation contacts may have been conducted by different social agencies to identify, interview and plan for families living within District 6 prior to the actual move, only two formally written reports by social service personnel were located. The interviewers, seemingly unaware of the complex process of forced removal and its concomitant multidimensional stressors, saw their immediate task as identifying family groups involved and determining their economic status. An in-depth analysis of these social histories revealed that indeed the themes of compulsory relocation as identified and discussed by Scudder, were threaded throughout the social summaries. The following themes and excerpts from these reports of contacts with families clearly demonstrate the long- and short-term impacts of forced removal upon the relocated families.

According to available records, social workers first contacted the potential relocatees of District 6 in April 1966.[110] At that time it was reported at a local chapter meeting that nineteen adults had received eviction notices from the Hopi Tribe. The residents voiced their refusal to move. It had been rumored that a certain BIA Social Service Worker was a party to the eviction procedure and had reportedly told residents to move immediately.

Navajo Legal Aid Services reportedly advised the Navajo District 6 residents to remain on the land until forced to leave. The people were told that crops would be planted at

their own risk as they would eventually be required to move. Nineteen people had already moved; their whereabouts were unknown.

A second contact with these families in June 1966 by the Navajo Tribal Welfare Committee revealed these findings.[111]

The conflicting orders by the Hopi and Navajo Tribes caused a great deal of uncertainty and anxiety. The Hopi Tribe had been demanding that the Navajo families move from District 6 and the Navajo Tribe's recommendation that the families remain until all legal avenues had been exhausted. This prevented those who could work from exerting any meaningful efforts in finding permanent employment as they would not leave their families under insecure conditions for any length of time.

The affected families had a very limited number of livestock authorized by temporary Hopi Agency Grazing Permits; many had not been renewed. Some families had small dry farms but were encountering drought conditions which aggravated their insufficient food supplies. It was recommended by the Navajo Welfare Committee that surplus commodity deliveries be made easier for these families.

Due to the questionable status of these affected Navajo families, they had not been voting and "feel that they are living in 'No Man's Land'."

The Navajo Area Office, BIA Branch of Social Services, again contacted the families in May 1970 to interview them and to plan for their move into adjacent chapters.[112]

During this field reconnaissance a list of twenty-two adult individuals was compiled. They were subsequently identified as being members of two extended families headed by two patriarchs, Mr. A and Mr. B. For analytical purpose, the fifteen families evicted from District 6 were grouped into their respective extended families, hereafter referred to as Family A and Family B. Family A is currently comprised of seven nuclear families and Family B of eight.

Multidimensional stressors associated with compulsory relocation as experienced by Families A and B are discussed below.

Family A. The patriarch of this extended family, Mr. A., related during an interview that his ancestors lived in Echo Canyon before being taken to Fort Sumner (1864). According to his statements he was born 12 years after his parents' return from Fort Sumner in 1868. He went on to say that he has worried day and night since being served the last eviction notice by the Hopi Tribe. It was difficult for him to think about leaving Echo Canyon where he was born and has been all his life. He knew no other place. Mrs. A was in the hospital at the time of the interview.

Daughters of Mr. A and their husbands were also interviewed. The daughters expressed real concern about being served eviction notices. They, too, mentioned being born in Echo Canyon and never having lived any other place.

For the past two years Family A had not planted anything due to the uncertainty of the future. Mr. A stated that they

miss this because it provided food, particularly corn, which they dried and used during the winter months. The family had always done dry land farming on 60 acres.

According to Mr. A, his camp owned a total of 80 sheep and 10 horses. Their water was hauled from 4 miles away by a wagon and team, their only means of transportation. Wood was obtained from in and around the Canyon. Supplementing their subsistence from livestock, each family received one form or another of either state categorical aid or the BIA general assistance.

Prior to the removal, this family was a self-sufficient unit in sustaining its extended family system. The women planted and took care of the sheep while the men gathered the horses and hauled wood and water. Daughters and sons-in-law who lived outside District 6 occasionally came to help Mr. A with the livestock and farming. The A family camp consisted of five hogans permanently occupied by Mr. A, his daughters, their husbands, and usually less than five children per family.

With the exception of Mr. A's grandchildren who were attending federal boarding schools, none of the adults had ever attended school and were, therefore, illiterate. Most of the adults had never held substantial jobs nor been away from their ancestral lands, Echo Canyon.

The Social Worker's description of this extended family was as follows:

> The "A" camp had an atmosphere of all members being ambitious and living close to nature. They seem to be peace loving people, enjoying

> each day for itself. It is not easy for them to understand why the Hopis want them to move. Mr. A said the Hopis are his friends and he theirs. They have always helped one another. He thought it may be due to the people in Mr. B's camp as they drink, steal from the Hopis and fight with them.[113]

The social worker recommended that some arrangements be made whereby the "A" family could remain in their present habitat for the remainder of Mr. A's life (he was then 90 years old). Mr. A. expired at the age of 95, a month following his family's forced removal and Mrs. A expired at the age of 99, prior to the removal.[114]

Family B. The only psychological stress evidenced by extended family B was their concern for the discontinuation of financial assistance, per the Keams Canyon Hopi Agency, to families that had been served eviction notices. They did not know how they would provide for their families thereafter. There was no discernible psychological stress associated with their potential removal from the area.

All seven nuclear families in Camp B received their entire subsistence from other than self-productive resources, i.e., Social Security, state categorical assistance, BIA general assistance. Each of the families stated they received monthly surplus commodities (staple foods) from the Navajo Tribe. One family was without food on the day of the interview. The heads of households had little or no work history.

Camp B owned a total of fourteen sheep.

The social worker's impression of the people in Camp B prior to the removal was that "they did little or nothing and

appeared listless." This was in contrast to Camp A where the individuals appeared busy and the land meant much to them. This family did not appear as closely knit as Camp A and did not seem as concerned about leaving their land.

In Camp B were five one-room hogans permanently occupied by seven nuclear families, consisting of parent(s) and five to ten children per household. According to the social worker, case records indicated that these were multiple problem families with a history of serious drinking problems, some child neglect, some desertion by husbands, and one family had been involved in welfare fraud which was investigated by the FBI. Most of the school-aged children attended federal boarding schools also.

The employable persons, who had had some exposure to formal education and although healthy, were not motivated to work despite the family's small number of sheep.

The social worker observed that "if another location could be found for the families in Camp B and they each had some type of financial support, I do not believe a move would be too traumatic. The employable persons could become involved in the coming Work Experience Program which would be of benefit to them..."[115]

Because of litigation apparently in progress between the Navajo and Hopi Tribes the move of the families was never made.

The Move and Its Aftermath

Aside from personal interviews with the Navajo relocatees,

there were no written documents available on the move itself, nor on the immediate impacts of the removal upon these families.

For the period covering September 24, 1973 to June 30, 1974, the Family Service Agency of Fort Defiance, Arizona, contracted with the Bureau of Indian Affairs, Branch of Social Services, and the Navajo-Hopi Land Dispute Commission to complete comprehensive psychosocial evaluations on families removed from the Hopi Reservation. The contract agreement provided for reports on each family after "assessing individual family functioning, internal and external strengths and weaknesses, prior coping abilities, motivations to accept and make use of casework services. Diagnostic summaries, treatment plans and prognoses" were to be provided also.[116]

Only members of Family B were included in these follow-up reports. There is no available follow-up information on Family A.

From the findings of Family Service Agency emerged the themes of psychological, physiological, and sociocultural stresses as predicted by Scudder's theory of compulsory relocation and are presented here in detail.[117]

According to Family Service Agency, those heads of household interviewed were initially suspicious of workers and their reactions changed little in the continuing efforts to work with them. A majority of them remained apprehensive and gave guarded responses throughout the evaluations. The agency encountered some resistance in getting the families to talk about themselves and their problems. One family refused to be interviewed.

Notwithstanding their grim situation, the evicted families' deep suspicion of all outsiders, including Navajo tribal representatives, can be generalized to future relocatees since compulsory relocation is accompanied by a crisis in local leadership. In this case, the Navajo Tribal Council was blamed for not protecting their people from "the Hopis" and for allowing their eviction from their ancestral homelands. Hence, at a time when they need strong leadership, relocatees tend to reject their leaders, turning inward toward themselves. Obviously, under such circumstances it is very difficult to get the people to help themselves. Of those interviewed, they blamed all their problems on the eviction, although records indicated some pre-existing problems prior to their removal from Echo Canyon. Findings indicated that such pre-existing problems only became more accentuated and visible after the move, i.e., alcohol-related problems as alcohol was now more readily available. The families saw themselves as victims of external circumstances and thus could not see their roles in resolving their multiple problems.

Unemployment and financial problems as a result of mismanagement of monies was prevalent in all families interviewed. Most families never had any food on their shelves despite monthly assistance with surplus commodities (staple foods) from the Navajo Tribe. These problems were compounded by an increased level of dependency, another characteristic which accompanies forced removal. Since the people did not ask to be moved, they considered it the responsibility of the Navajo

tribal officials to provide their basic needs. Hence, some of these families refused to pay rent for the low-cost housing units they were moved into from the Tribal fairgrounds; expenses which were incurred and paid for by the Navajo Tribal Council. Also, these families would not take their children the short distance to clinics and their new school, expecting the Tribal Council to transport them.

Individuals expressed a lonesomeness for their homelands and familiar surroundings. There was evident a loss of former community support and control. Interviewers felt that the new community was not accepting of them and their problems. Indeed, the new Navajo neighbors saw the relocatees as competing for land and services. The host population refused the relocatees entry into their local chapter, hence closing off access to certain community services. The hosts also had a tendency to blame the relocatees for whatever criminal activities that occurred in the neighborhood, an attitude which seemed somewhat justifiable in view of the extreme social disorganization with accompanying alcoholism and delinquency that characterized a majority of the relocated families (Family B only). In behaving this way, the relocatees' new neighbors were behaving in ways predicted by Scudder's theory. For their own part, the insecurities of the relocatees were heightened by the knowledge that their new neighbors resented and ridiculed them.

For Family B there was a loss of daily patterns of living and family maintenance in an isolated rural area. By removing familiar routines which gave these people a feeling of security,

their stresses increased and their capacity to deal with changes confronting them was reduced. Their resettlement in a more urbanized setting presented them with difficulties in dealing with governmental and social agencies. Behavioral patterns and coping mechanisms associated with rural living were no longer applicable to the more urbanized areas.

Individual and family ways of coping were seen as breaking down in the new habitat. Family Service Agency found that inter- and intra-family disputes seemed to be more frequent, perhaps as a result of overcrowding two to three families into one house. Parents were seen as encouraging their adult children's dependency, thereby preventing other households from functioning independently as individual family units. The social lives of family members were found to be restricted to one's extended family. As hypothesized by Scudder, Family B behaved as a closed social system, at times refusing services of social agencies. Apparent was an intensification of interaction among the extended family members.

Due to the temporary nature of their present homes, family members found it difficult to plan for their futures. With future goals frustrated, there were feelings of confusion and uncertainty among families about their present and future.

The Family Service Agency recommended the following services upon completion of their psychosocial evaluations of the relocatees in Family B.

(1) Counseling in these areas:
--marital relationships,
--family relationships,

--child care, child-rearing,
--exploring employment or job trainings,
--continued schoolings for children not in school,
--budgeting and money management,

(2) Financial assistance;

(3) Encourage outside social contacts/activities, i.e., pursuing hobbies; and

(4) Encourage nuclear families to function independently.

It was unclear as to which social agency was designated to provide these services. There was no available evidence suggesting that Family Service Agency made any serious attempts to provide follow-up services to the fifteen families.

Family A. Shortly after Family A was moved to the Navajo Tribal Fairgrounds in November 1972, their relatives from the Teesto area were able to secure community approval for them to move to Teesto.

Aside from numerous trips to the Office of the Navajo-Hopi Land Dispute Commission in Window Rock in their endless attempts to secure permanent shelter of some type, Family A seems to have had very limited contacts with social agencies before and after their removal. It could then be surmised that in drawing upon the family's self-reliance and other family strengths, Family A as a community was able to transfer their self-sufficiency from one locale to another. A crucial factor was the apparent emotional and substantive support Family A received from their hosts, or extended family members, who had been lifetime residents of the Teesto area.

Contacts With Social Agencies: Post November 1972

A perusal of available caserecords for the period of November 10, 1972 through January 1977 on the fifteen families revealed an apparent weakening of the family structure for Family B, resulting in a general drop in parental responsibilities. Records indicated increased incidents of child abuse, child neglect, juvenile delinquency, marital discord and alcohol-related family problems became more accentuated.[118]

Again, there were no available caserecords on Family A.[119]

Relocation: The People's Perceptions

Although an increasing number of anthropologists and behavioral scientists have begun to study reservoir resettlements in connection with man-made lakes and dams, this field of study is new and there are few publications dealing with research both before and after relocation. The paucity of reports relative to both the execution and evaluation of specific resettlement programs was a reality with which the writer had to contend.

Considerably more needs to be known about the relocation process itself before appropriate, ameliorative programs for the relocation of large numbers of people can be recommended. In particular, questions of specific and special program considerations for the Navajo people need to be resolved and a number of basic issues pertinent to the implementation of the program need to be clarified. Prior to the study, there were indications, implications and impressions. These needed to be

replaced with a quantity of factual information.

It was thus proposed that the writer conduct a systematic follow-up study involving detailed interviews with representatives of all Navajo families displaced November 1972 in connection with the Navajo-Hopi land dispute. Interviews were to be in the form of oral histories giving chronological accounts of the family's experiences associated with their removal and resettlement. Through the comparative analyses of these oral histories the effects of compulsory relocation were to be evaluated and special problems identified. The quantity and type of relocation assistance provided the relocatee, if any, was to be evaluated. It was anticipated that from this study would emerge a suggested relocation program of advice, special program considerations for potential relocatees presently residing in the Joint Use Area, and how these would best be implemented.

In essence, the study had a two-fold purpose:

(1) To assess the multidimensional stressors associated with compulsory relocation and the impacts of resettlement as experienced by the Navajo families in the study; and

(2) To seek to develop a comprehensive model program of relocation assistance that might be utilized in connection with the possible relocation of 3500 Navajo individuals out of the Joint Use Area in the near future.

In a systematic field study conducted on various parts of the Navajo Reservation in December 1976 and January 1977, the writer tested the applicability of the Scudder-Colson predictive

theory of compulsory relocation in understanding the Navajo resettlement issue. A follow-up study was done with the fifteen Navajo families, comprising approximately ninety-two individuals, who were forced to leave their ancestral homelands and were to relocate outside the Hopi Reservation of District 6. These Navajo families, belonging to two large extended families, were served eviction notices by the Hopi Tribe for "Trespassing on the Hopi Reservation," demanding that they vacate these lands within thirty days. Thereafter, all improvements were to be taken over by the Hopi Tribe.

As of January 1977, none of these families had received any type of relocation benefits and only one family residing in Teesto was fortunate enough to have a home constructed for them. With the exception of the one family, none are permanently resettled.

The problem one often encounters in building a home on the Navajo Reservation is the incredibly long application process, whereby one must secure approvals from various committees and officials before being considered for a land lease upon which to build improvements. Ultimately, it is incumbent upon people at the local chapter level to approve or deny applications for construction of homes in their community. Perhaps such a tedious process hindered the rest of the relocatees from applying for homes. Another related problem in assisting these particular families with housing was the fact that four or five of the evicted households moved into the Joint Use Area to live with their kin. Construction of homes

in this area was "frozen" by the District Court of Arizona in 1962, and further immigration into the area was illegal.

The Navajo-Hopi Land Dispute Commission, Window Rock, has formally requested the Relocation Commission to strongly urge the U.S. Congress to consider an amendment to PL 93-531, providing for relocation benefits to the evicted Navajo families. The Navajo Tribe anticipates a positive response from the Relocation Commission.[120]

Of the fifteen families evicted, nineteen adult individuals were interviewed during a two-week field study undertaken in December 1976 and January 1977. These families and their residential locations during that time were identified with the assistance of the Bureau of Indian Affairs, Social Services, Window Rock and Fort Defiance, and the Navajo-Hopi Land Dispute Commission, Window Rock.

Interviewees represented eleven families who were forced to relocate out of District 6, one unmarried adult, and two host families who took in relatives into their homes. All resided in Arizona, eight in the Teesto area, six in Low Mountain (Joint Use Area), three in Jeddito (Joint Use Area), and two in the Window Rock area.

Data from these field interviews of displaced Navajo families and/or their host families were obtained through the tape-recordings of open-ended oral histories in the Navajo language reconstructing the interviewees' perceptions of the totality of familial experiences during the periods prior to, during, and following their relocation. The interviewees were

requested (in Navajo) to keep in mind the following general topical areas as points of reference during the recording:[121]

(1) How had the Navajo-Hopi land dispute and forced removal from District 6 affected their family units?

(2) How had life been for the family - before, during, and after the removal?

(3) What changes had come about within the family and what needs had arisen since their removal?

(4) How effective was the assistance, if any, that was made available to the displaced?

Written histories do not necessarily correspond with some peoples' perceptions, especially among illiterate societies with oral traditions like the traditional Navajo. A Navajo historian gives this account of the Navajo-Hopi land controversy. Some events/details may deviate from written history, nonetheless, this is one person's perception of the dispute.

> I was born and raised at Echo Canyon. I am 76 years old. My relatives have always lived there before the coming of the Hopi and other tribes. My grandparents told me they remember as far back as two generations ago when our ancestors lived at Echo Canyon. Our generation would be the fourth generation. I can, therefore, say that this was always our land. Our great grandfathers lived on the land long before they took the Long Walk to Bosque Redondo (New Mexico) in 1864. After spending four horrible years at Ft. Sumner, they were released and they found their way back to the place where they were born - Echo Canyon - and once again built homes in the area. It is said that Echo Canyon was created for certain Navajo clans who were concentrated there. Gradually some have moved to other areas since.
>
> Upon the Navajos' return to Echo Canyon, there were no known Hopis in the area until many years later when I as a youngster heard the elders talk of the Hopi moving into our use areas,

grazing grounds. The Hopi at that time said they were our relatives and friends and wished to keep peaceful relations with us. They stayed on the land and we lived together peacefully for some years until a certain Hopi wanted to build his home in Echo Canyon. He was told not to build there by the Agency people from Keams Canyon. Some years passed and another Hopi moved in and he built his home near our ancestral homes.

Then came the allotment periods and the creation of the land management districts followed by a drastic livestock reduction program in the 1930s. One district was District 6 where our family had lived for many years. This district later became the focus of the land controversy and some of my relatives had to move out of the area around 1943 when about forty families were threatened to move out within ten days or be jailed by the Hopi. Many of us moved only five or six miles outside the boundary with our livestock and whatever we could salvage. We moved practically on foot because there was no transportation aside from a few wagons.

Once across the border, the Navajo livestock ranger in the area told us we could not graze our livestock there because the grazing permits we were issued while residing in District 6 were invalid on the Navajo Reservation. Some of our livestock were confiscated and we were forced to sell the rest. One man gave his sheep away to his relatives and he was jailed for doing so. We left our cornfields behind. We appealed to the Navajo Tribal Council for homes and other necessities many times but never received any assistance.

A lot of the people did not seem to be aware of any boundary lines that had been drawn and did not understand why they had to move. It is said that only the Hopis met with the Indian Agent to enlarge the boundary of District 6. Many of the families that moved in 1943 had to move again for the second or third time in 1972 and a majority still do not have homes yet.

We have lived side by side with the Hopis since they moved into the area of Echo Canyon. They sent their young to the white man's schools who learned the whiteman's ways of doing business. They have also learned the whiteman's way of

living - of owning land and property, i.e., having many cattle. It was as if they were finally awakened to life in the "outside" world after having been schooled and they started to increase their land base and perhaps subsurface resources also. Some of the Hopis temporarily moved onto lands already occupied by the Navajos and started to build homes. I say temporarily as after some of them left the area they never returned to use these lands. The ironic thing was that the Hopi never permanently used or occupied the lands they claimed. There were many empty cornfields, abandoned homes and waterholes - all of which were claimed by the Hopi at one time. The only occupants seem to be rats. Today the lands once utilized by the Navajo in District 6 are still not being used by the Hopi despite the amount of time the land was in their hands. There is much empty land, empty space. I doubt that they will ever put the land to use like the Navajos did - planting, grazing livestock, making a living off the land.

In my opinion the land does not belong to the Hopi or anyone else. It was meant for all mankind to make a living from, not to be owned by people with selfish motives. I do not understand why anyone would create such a fuss over land, knowing they will never fully utilize it and knowing that other people were making better use of it.

It all seems to stem back to the Hopis' learning the whiteman's ways, especially their aggressiveness and sophisticated legal system which does not seem to concern itself not even one iota with the humanitarian side of issues. The courts and the law apparently have the final word in disputes, irrespective of human sufferings and the human beings involved!! Whereas, our elderly Navajo were uneducated, legally naive and unassertive in claiming their grazing rights in District 6. We did not at the time have the whiteman's weapons to fight back for our land.

The first school for the Hopi was built at Lower Keams Canyon around 1890. It is my understanding that they petitioned the government for this school, then refused to send any children there after it was completed. The Keams Canyon Agency people then went up into the mesas, rounded up some children, and brought

> them to school. I don't think the Navajos sent their children to school until the early 1920s. That's when my uncle attended school.
>
> Next the Hopi spread out from Oraibi to Hotevilla and Bacabi where many still make their homes today. Later another Hopi man, whom the Navajos used to refer to as Toh'ii, founded another Hopi settlement in Moencopi near Tuba City alongside the already established Navajos and some Mormon settlers. The Hopi have been spreading out all over the western Navajo Reservation, outside their District 6, since 1925 and thus increasing friction among the Navajos and Hopis.

The following narrative attempts to capture the Navajo peoples' perceptions of their forced removal from District 6 in November 1972. Although written as one narrative, it is in fact a composite of nineteen interviews.[122, 123]

"In 1943 some forty Navajo families were required to move from District 6. Following this event, several of our elderly died, presumably from their worries and grieving for lost homelands. I believe they found it most difficult adjusting to the new foreign environments where they did not know the land and the land did not know them. Furthermore, no preparations had been made on behalf of these families. They were left to fend for themselves, a very inhumane act indeed. The government should have seen that it was a drastic and costly mistake evicting our elderly from their ancestral homelands. It cost them their lives. It is beyond my comprehension to ask people to pay with their lives for some land dispute instigated by parties outside the two tribes that our people know very little about or understand. These Navajo people were never compensated for their losses nor received any type

of assistance from our Tribal Council. Some of these same families were evicted again out of District 6 for the second time in 1972. Now we understand more people will be moving again. When will this nightmare ever end?

"Long prior to 1972 some Hopis have been harrassing our families, some threatening to destroy our homes by a bulldozer. We were served several eviction notices but we remained there despite the Hopis' constant threats.

"I will never forget that day - November 10, 1972 - when we were forced to leave our ancestral homelands. Lands where our umbilical cords were buried, lands where we grew up and spent most of our lives. Lands we would never see again. Our homes and sheep corrals were dismantled. What could not be salvaged and transported to Window Rock were burned - our wagons, sheds, corrals. Our livestock and only the most essential items were hauled to the fairgrounds. Most of our precious belongings molded and rotted while in storage at Window Rock. Two truckloads had to be taken to the trash dump because they were ruined.

"We were told that we would receive compensations for all our improvements left behind or burnt. For every item burnt we were promised new replacements. All items were recorded and the tribal officials took the list. We are still awaiting the promised replacements. The Tribal Council should fulfill their promises and not make us suffer any longer.

"One month after we were evicted, our father returned to visit the site where his hogan used to be one night, spent some

time there, and passed on not long thereafter. Our mother passed away before we moved. I knew them and I could sincerely say that forced removal had a tremendous psychological impact with irreversible effects on them. Our elderly worried about leaving their ancestral homelands and families grieved for their homes and land after the removal.

"Our elderly and children suffered most from the cold and experienced some physical illnesses due to inadequate shelter. Even our livestock were dying because they were not familiar with the vegetation in the new land. Losing a sheep is analogous to losing a vital organ within one's body and, hence, a part of your life is gone. We've always had livestock as far as I can remember. When we lived in Echo Canyon, our family grew most of their own food supplies for the entire extended family. Today all we have left is six horses and about sixty sheep - many died after the move.

"After the move there was extreme suffering and we endured much hardship, draining our coping capacities. We felt helpless. There is much poverty now. Most of us still have no homes or land to call our own and no longer have livestock. Because we were so worried sick, our appetites decreased and we were eating less than before.

"The mental and emotional stress associated with losing our homelands was much too intense to be borne by anyone of us. Even our children miss the land, they reminisce the good times and about homes where they were raised.

"Our strong mentalities were no longer viable in our new

environment. With no stable homes we just wandered about aimlessly, living here and there with relatives or whomever was kind enough to take us into their homes.

"We young adults feel like we're in 'No Man's Land' with no roots, no place to make a start. We wonder about our children's future. It's like we're transient visitors in the homes of our relatives. We cannot make improvements, cannot work the land. We're floating around with no permanent homes, with our futures unknown to us.

"Once we settled down somewhat, we found it very difficult to reestablish our previous socialization patterns and even found it hard to express any joy or happiness. All the accumulated pressures rendered it difficult for us to function as adequately as we did before. We long for our previous lifestyles - tending our livestock, dry farming and other established routines. We are now here with no reliable way of earning a decent livelihood. Our situation appears hopeless because we have no land, no homes, no roots. We miss and long for our relatives. Our extended family has been broken up. Now we are scattered all over and do not know each others' whereabouts. If and when we see one another, we cannot help but cry. That is all we can do. A most vital family support system has been lost.

"It was through one family's efforts that our extended family was able to move here. We lived in his home for about a year during which time he and his family constructed three temporary dwelling units for us. He even dismantled his sheep

corral to use the logs for building materials. Mr. J has been most generous with us, overextending himself and being very supportive of our efforts to reestablish ourselves and our homes.

"Our tribal leaders and attorneys had promised they would purchase new lands on which to build us new homes. They had even committed themselves to provide for our basic needs, i.e., food, firewood, water, until such time when we were permanently resettled. They also promised to replace those items broken enroute to Window Rock. We were made many promises and none were kept except to move us out. Our Tribal Council should fulfill their promises. It has been an endless wait. I wonder if we have just been forgotten by our leaders. Some of us still have hope that our Tribal Council will find us lands comparable to our ancestral homelands so that we could once again continue our livelihoods. We are hopeful that our pleas will be heard and acted upon soon. Presently, we're living off relatives like parasites. It takes away from one's dignity to live in this manner, but have we a choice?"

Even if the families are eventually compensated, almost without exception, the feeling is that:

"No amount of money will ever replace our beloved homelands, Mother Earth. We were meant to live in Echo Canyon, no where else. We have left behind our sacred places, other places just are not the same and will not replace our lands."

For four or five of the evicted families the threat of undergoing another move is captured by one family member:

"Everything is all very tenuous. We're in a situation where we may have to move again (out of the Joint Use Area). Its all very frightening to think of living through another horrendous move."

FOOTNOTES

Resettlement

[1]Thayer Scudder, "The Human Ecology of Big Projects: River Basin Development and Resettlement," Annual Review of Anthropology, Vol. 2, 1973, p. 49.

[2]Abbott Sekaquaptewa, et al, Plaintiffs, vs. Peter MacDonald, et al, Defendants.

[3]Chester Hartman, Yerba Buena Land Grab and Community Resistance in San Francisco, p. 96.

[4]Thayer Scudder, Testimony before the U.S. Senate Committee on Interior and Insular Affairs, 93rd Congress, Navajo-Hopi Land Dispute, July 24, 1974, p. 294.

[5]Thayer Scudder, "Resettlement," Man-Made Lakes and Human Health, p. 455.

[6]Ibid.

[7]Ibid., p. 456.

[8]Ibid.

[9]Ibid., p. 454.

[10]Elizabeth Colson, The Social Consequences of Resettlement: Kariba Studies IV, p. 71.

[11]Scudder, op.cit. testimony, p. 468.

[12]Ibid.

[13]Colson, op.cit., p.101.

[14]Ibid., p. 54.

[15]Ibid., p. 91.

[16]Scudder, op.cit. testimony, p. 282.

[17]Ibid.

[18]Scudder, Annual Review of Anthropology, op.cit., p. 51.

[19]Ibid., p. 52.

[20]Colson, op.cit., p. 2.

[21]Thayer Scudder, "Summary," Man-Made Lakes: Their Problems and Environmental Effects, p. 707.

[22]Scudder, Man-Made Lakes and Human Health, p. 456.

[23]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 708.

[24]Scudder, Testimony, op.cit., p. 286.

[25]Scudder, Man-Made Lakes and Human Health, p. 456.

[26]Ibid., p. 457.

[27]Marc Fried, The Urban Condition, pp. 151-171.

[28]Scudder, Testimony, op.cit., p. 359.

[29]Scudder, Man-Made Lakes and Human Health, p. 457.

[30]Ibid.

[31]Scudder, Man-Made Lakes and Human Health, p. 458.

[32]Ibid.

[33]Ibid., p. 459.

[34]Colson, Social Consequences of Resettlement, p. 44.

[35]Scudder, Man-Made Lakes and Human Health, p. 460.

[36]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 708.

[37]Scudder, Man-Made Lakes and Human Health, p. 467.

[38]Edward Montgomery, J.W. Bennett, and Thayer Scudder, "The Impact of Human Activities on the Physical and Social Environments: New Directions in Anthropological Ecology," Annual Review of Anthropology, Vol. 2, 1973, p. 53.

[39]Scudder, Testimony before the U.S. District Court for the District of Arizona, No. CIV-579-PCT, May 4-7, 1976, Vol. I-VIII, p. 357.

[40]Ibid., p. 54.

[41]Montgomery, Bennett and Scudder, "The Impact...," p. 55.

[42]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 709.

[43]D. Butcher, An Operational Manual for Resettlement: A Systematic Approach to the Resettlement Problem Created by Man-Made Lakes, With Special Reference to West Africa, pp. 6-7.

[44]Eidem, "Forced Resettlement: Selected Components of the Migratory Process," in Man-Made Lakes: Their Problems and Environmental Effects.

[45]Ibid.

[46]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 710.

[47]Ibid., p. 710.

[48]Ibid.

[49]Ibid.

[50]Ibid., p. 711.

[51]Ibid.

[52]Ibid.

[53]G. M. Foster, Applied Anthropology, p. 96.

[54]Ibid., p. 97.

[55]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 712.

[56]Ibid., p. 712.

[57]Ibid.

[58]Ibid.

[59]Ibid.

[60]Ibid., p. 713.

[61]Butcher, An Operational Manual..., p. 7.

[62]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 714.

[63]Ibid., 716.

[64]Ibid.

[65]Ibid.

[66]Colson, Social Consequences of Resettlement, p. 61.

[67]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 716.

[68]Scudder, Testimony, op.cit., p. 369.

[69]Scudder, Man-Made Lakes: Their Problems and Environmental Effects, p. 717.

[70]Thayer Scudder, "Man-Made Lakes and Population Resettlement in Africa," in Man-Made Lakes, R. H. Lowe, ed., 1966, p. 25.

[71]Peter MacDonald, Testimony Before the U.S. Senate Committee on Interior and Insular Affairs, 93rd Congress, Navajo-Hopi Land Dispute, July 24, 1974, p. 261.

[72]Scudder, Testimony, op.cit., p. 294.

[73]Colson, The Social Consequences of Resettlement, pp. 40-1.

[74]Scudder, Testimony, op.cit, p. 294.

[75]Ibid.

[76]Ibid.

[77]Ibid.

[78]Ibid.

[79]Ibid.

[80]Ibid.

[81]Ibid., p. 295.

[82]Ibid., p. 294.

[83]Ibid., p. 295.

[84]Ibid.

[85]Ibid.

[86]Ibid.

[87]Beyal, Materials presented to the U.S. Senate Committee on Interior and Insular Affairs, 93rd Congress, Navajo-Hopi Land Dispute, July 24, 1974.

[88]Scudder, Testimony before the U.S. District Court, op.cit.

[89]Ibid., p.383.

[90]Director, Navajo Legal Aid and Defender Service, Memo to Chairman of the Navajo Tribe, October 12, 1972.

[91]Samuel Pete, Director of Navajo-Hopi Land Dispute Commission, Personal Communication, October 8, 1976.

[92]Ibid.

[93]Bureau of Indian Affairs Navajo Area Social Worker, Memo to "File," April 15, 1966.

[94]Ibid.

[95]Ibid.

[96]Chairman, Navajo Tribal Welfare Committee, Memo to Navajo Tribal Chairman, June 16, 1966.

[97]Chief Legal Aid Advisor, Navajo Legal Aid Service, letter to the Navajo Area Director of the BIA, April 29, 1970.

[98]Assistant Area Director of Community Services, memorandum to the Navajo Area Social Worker, May 8, 1970.

[99]Assistant Area Social Worker, BIA memo to the Navajo Area Director, BIA, June 2, 1970.

[100]Assistant Area Director of Community Services, BIA, memo to the Navajo Area Director, June 2, 1970.

[101]Ibid.

[102]Ibid.

[103]Ibid.

[104]Director of Navajo Legal Aid and Defender Service, memo to the Navajo Tribal Chairman, March 31, 1972.

[105]Ibid.; also, same as above, dated October 12, 1972.

[106]Navajo Area Social Worker, BIA memo to the Navajo Area Director, October 13, 1972.

[107]Acting Assistant Area Director, BIA memo to the Area Director of the BIA, October 26, 1972.

[108]Ibid.

[110]Navajo Area Social Worker, BIA memo to "File" March 15, 1966.

[111]Chairman, Navajo Tribal Welfare Committee, memo to the Navajo Tribal Chairman, June 16, 1966.

[112]Assistant Navajo Area Social Worker, BIA memo to Navajo Area Director, May 26, 1970.

[113]Ibid., p. 3.

[114]Member, Family A, personal communication, December 28, 1976.

[115]Assistant Navajo Area Social Worker, BIA memo to Navajo Area Director, May 26, 1970, p. 6.

[116]Family Service Agency memorandum to BIA, Branch of Social Services, Fort Defiance Agency, January 31, 1974.

[117]Family Service Agency memo and attachments to BIA, Branch of Social Services, Fort Defiance Agency, January 31, 1974. Source for all findings.

[118]BIA Social Services, Fort Defiance Agency, Arizona, caserecords; Navajo-Hopi Land Dispute Commission, Window Rock, Arizona, records.

[119]Records of Land Dispute Commission.

[120]Samuel Pete, Director Navajo-Hopi Land Dispute Commission, telephone interview, April 20, 1977.

[121]The interviewer made no attempts to guide or direct the flow of the interview once the reference points were enumerated and clarified. There was no time limitation for each interview.

[122]Data Analysis Procedure. The tape-recorded interviews were reduced for analysis by simultaneously translating and transcribing from Navajo to English phrases and short sentences that addressed themselves to the following parameters of forced removal of peoples: psychological stress, physiological stress, and sociocultural stress. These phrases and short sentences were later expanded into vignettes formed around one or more of the above themes translated as accurately as possible.

The interviewer and a fellow Navajo social work student, fluent both in the Navajo and English languages, transcribed the vignettes together only after consensual agreement regarding its justifiable translation. Following the transcription, the vignettes were once again checked for accuracy in translation.

Due to the lengthy, complex oral histories obtained, the extensive results of this field study could only be extracted and analyzed in a highly condensed form around the general themes emerging out of the interviews.

[123]Vignettes addressing themselves to the three parameters of stresses associated with the forced removal of peoples - psychological, physiological, and sociocultural stresses - have been drawn together from various interviews in an attempt to integrate them into one coherent narrative. The intermittent lack of smooth transition between sentences and paragraphs is attributable to the fact that the narrative consists of nineteen peoples' perceptions of their removal from District 6 in November 1972.

SUMMARY

In northern Arizona a century-old struggle between the Navajo and Hopi Tribes over the ownership of approximately two million acres of semiarid land is drawing to a close. The Navajo-Hopi land dispute has been referred to as "the greatest title problem in the West." It is a legal conflict deeply rooted in pre-European native settlement patterns, contemporary resource management questions, and policies of the federal government toward Native American peoples. The varied facets of the dispute illustrate the difficulties of reaching a settlement which meets the requirements of legality under state and federal law while minimizing the social, economic, and cultural injustices to the parties involved.[1]

All three branches of the federal government have been deeply involved in the settlement of the dispute, but the judiciary has been specifically commissioned to end the conflict by partitioning the land. This division will result in the forced relocation of 3500 Navajo individuals to an area outside the Navajo Reservation, thus becoming the first Indian removal program of the twentieth century and the only case of the removal of one tribal group to accommodate the territorial expansion of another.

As an example of public policy toward Native American groups, the land has special interest. The tract of land

referred to as the Joint Use Area surrounds the Hopi Reservation, but has not been utilized in recent history by the Hopi who have argued successfully in the courts that their property and use rights in the area were granted by the federal government in an 1882 Executive Order. In these terms the question serves to illustrate the difficulties of applying a legal solution to a land dispute outside the tradition of Anglo-Saxon property rights. The issue concerning the partition of the surface rights is complicated not only by the problem of relocating significant numbers of Navajos, but also by the pressures to develop the resource base of the area.

Underneath the JUA lie easily exploitable coal deposits of at least 2.5 billion tons and perhaps as much as 25 billion tons. The existence of these high quality deposits makes the JUA a matter of economic interest to parties outside the two tribes at a time when energy resource development is a paramount objective of the federal government.

The final settlement of the Navajo-Hopi land dispute will result in the relocation of people and the rearrangement of environmental stresses. Traditional Navajo lifestyle requires considerable amounts of land and if this acreage is not given to the displaced Navajo, the already pauperized landscape will be strained further.

Although PL 93-531 contains provisions for herd reduction and relocation cost incentives including the acquisition of new land which may be added to the present Navajo Reservation, one feature of the Navajo would seem to work against the

successful implementation of these provisions: the traditionally strong ties of the Navajo to his land as a unification of his being.

Thayer Scudder, an expert in the field of study of compulsory relocation of peoples, has identified three interrelated categories of multidimensional stress which affect peoples subjected to forced removal. His view is that they could be equally applicable to the Navajo. The three stress categories are: (1) psychological stress, "grieving for a lost home syndrome"; (2) physiological stress, which results in increased morbidity and mortality rates; and (3) sociocultural stress, a result of cultural conservation, an inability to adjust to the new area, and a clinging to old customs in a new environment.

The fifteen Navajo families evicted from District 6 on November 10, 1972, interviewed in this field study, played a critical role in demonstrating the nature and scope of the problems associated with compulsory relocation and its detailed characteristics as experienced by these people.

FOOTNOTES

Summary

[1]James M. Goodman and Gary L. Thompson, "The Hopi-Navajo Land Dispute," American Indian Law Review, 1975, Vol. 3, No. 2, p. 397.

Also; Kevin Tehan, "Of Indians, Land, and the Federal Government: The Navajo-Hopi Land Dispute," Arizona Law Journal, Vol. 1976, No. 1, p. 184.

CONCLUSIONS

The Navajo Nation has rightly expressed substantial concern over the fate of the 15 Navajo families evicted from their ancestral homelands of District 6 in November 1972. They were uprooted from old and familiar surroundings and forced to move without any pre-relocation planning done for them. In attempts to minimize the difficulties of finding new settlement areas and to reduce the trauma of forced removal, some social, psychological and concrete services were made available to them. However, the outcome was ineffectual. The positive accomplishments for these uprooted families has been negligible. The painful process of relocation always involves hardship and expense. Urban renewal programs provide reimbursement for moving expenses through federal grants to local public agencies. Reimbursement for moving expenses and home improvements should be offered the 15 displaced families along with assistance in securing adequate lands on which to build their new homes.

The act of relocation is more than just a break in a person's routine. It affects his entire life pattern, altering his view of himself and his relationship to the world. To the Navajo, this tragic upheaval resulted in the loss of home, income, roots and livelihood with nothing to replace them.

We can speculate that the social and economic costs inflicted on the 15 Navajo families will be greatly magnified in

the case of the 3500 potential relocatees from the Joint Use Area. The likely effects of relocation will be the dissolution of familial interdependent kinship units and the cohesive, effective social fabric of communities. Large numbers of extended family systems will be atomized into separate, isolated units and economic cooperation among families will be destroyed. Additionally, with their livestock gone, these Navajos will no longer have a viable economic system.

There will be intolerable friction wherever an effort is made to relocate families on the existing Navajo Reservation, raising serious problems of planning and executing resettlement.

Tracts of lands on the Navajo Reservation are not owned through legal instruments and cannot be bought. However, all lands within a community are assigned on the basis of customary use rights and occupied by certain kinship groups. Such areas are not surveyed and the bounds are defined by memory and use. Thus, in their attempts to move into new communities, the 15 Navajo families in this study were denied land privileges.

Should other Navajo communities outside the JUA respond in similar fashion toward the potential relocatees, acquisition of considerable amounts of new land will be necessary and should precede any relocation planning. Additionally, the natural characteristics of the existing reservation are such that any added stresses from resettlement will have devastating effects on the already pauperized lands.

The end products of relocating 3500 Joint Use Area residents could very likely be the creation of economic dependency,

the perpetuation of inadequate housing, and a host of long-range administrative and social welfare problems. Such a future transcends the specifics of the Joint Use Area situation and should be immediately comprehensible to anyone who imagines himself relocated by edict under these conditions.

From the interviews with the evicted Navajos, we can conclude that there was considerable damage to lifestyles concomitant with loss of family patterns, routines, familiarity and personal associations.

These families' intimate knowledge of their immediate surroundings formerly gave them an independence and dignity that was impossible to recreate elsewhere. Extended families and communities were required to separate; friends and relatives were strewn far and wide with disastrous consequences. Some elderly Navajos were institutionalized when their traditional support systems and assistance patterns failed to reestablish themselves in the new settings. There were unwarranted monetary losses for homes and other improvements left behind with no provisions for reimbursements.

There was mass disruption and confusion on moving day, especially since these were cases of unwanted moves. Possessions were handled in an impersonal manner; some were burnt, and others which were left in storage became moldy and had to be discarded. A painful readjustment process of uncertainty replaced the familiar; relatives and friends were scattered and some people were truly alone for the first time in their lives. The prospects of recreating social fibers brought

terrors of the future into sharp and relentless focus for these people. The factors which mitigated against these Navajos' adaptation to new environments were their cultural and physical bonds with their ancestral lands. There was little hope for a rapid adjustment. The inappropriateness of living arrangements following the move, the unsuitable present living quarters, and the difficulties encountered by these people in their efforts to secure lands for themselves within the last four years are eloquent testimony to the reality of need for careful, culturally relevant pre-relocation efforts for the 3500 Navajos who will leave the Joint Use Area beginning in 1979.

RECOMMENDATIONS

The concept of "humane" relocation is widely applauded. The question, of course, is, How? The underlying philosophy, from the very beginning of the program, should be to uphold the dignity of man in bringing about his successful relocation. The initial implementation of "humane" relocation to be accomplished by professionally qualified leadership calls for creativity, flexibility, and experience in community work with the Navajo people. This also implies that the participation of social agencies is crucial and the relocation agency should work hand-in-hand with these agencies.

Relocation agencies have been criticized on many grounds: they do not notify the residents far enough in advance; they do not distribute information on benefits and procedures; they require the residents to come to them for help; they make minimal efforts to secure good housing and land similar to that lost for the relocatees; and so on. True in some cases, false in others, these charges nevertheless demonstrate that relocation is a threat to the residents. Whether the relocation process itself produces the harm or whether it simply aggravates the situation beyond tolerable limits, the threat remains. Households are faced with having to reconstruct their entire lives at a time that does not coincide with a planned or desired change. They must act quickly where no autonomous action would

otherwise have occurred. They must terminate relationships and break routines that, especially for the Navajo, have been equated with life itself.

Public media, such as television, radio, and the press, along with official letters and data disseminated into homes help create a state of confusion in the minds of the potential relocatees. In most instances, the potential Navajo relocatee from the Joint Use Area will be illiterate and will be unable to understand the written messages about the various phases of the relocation program. The mere fact that it will be necessary to move will create a tremendous anxiety in them. The ever-present rumor, in which false statements are made in relation to methodology and procedures would be difficult to counteract especially with our uneducated elderly Navajo people. Common consensus is that this state of the relocation process appears to be the most trying for both the individual and the relocation agency.

When the primary stage of relocation has passed, the next important phase deals with the problem of implementing the program. According to the literature on relocation relating to urban renewal, it is standard procedure to call upon each family and individual at least once a month, or semi-monthly when necessary, in meeting the direct needs of families.

It is recommended that the initial interview prior to the move be conducted jointly by the relocation workers and Navajo-speaking social workers to reduce the confusion of what may appear to be two unrelated officials. The danger of

contradictory advice is minimized and teamwork is reinforced. Reassurance and essential factual knowledge would be given. From that point on, there would be a continuing helping relationship with a minimum change in professional personnel. An attempt should be made to determine the types of relocation accommodations and types of lifestyles that would be satisfactory for each household. The team should determine what support systems exist to compensate for any physical, emotional, or economic problems these families will likely encounter and which services were particularly meaningful in the present community. Both personnel should gain a deeper understanding of the individual families through these interviews. After joint discussion and analysis, a tentative profile of the residents' needs and a tentative plan to meet them should be formulated. An important item for consideration would be whether the assets of the current situation can be duplicated, which cannot, and how the resulting unmet needs can best be handled. Future contacts with residents should be mutually planned and evaluated. Since further knowledge may alter the decision made at the initial meeting, the content of all interviews must be known to both members of the team. Knowledge that must be shared cannot depend on haphazard reporting. It is suggested that a contact card file be used by each team member for each resident.

The same team should work with the particular residents during the entire relocation process. Without this stability, liaison between team members would be hampered and the residents

faced with the unnecessary burden of relating to a number of workers.

Particular emphasis should be given to the social services available to the relocatee, their rights regarding property, financial, and other benefits. Residents should be urged not to panic and to take full advantage of their privileges as relocatees.

There are many special problems affecting Navajo families which should be considered in planning a relocation program. Some of these are cited below:

--Many of the Navajo families to be relocated from the Joint Use Area are uneducated and livestock is central to their livelihoods.

--Many heads of household are unskilled laborers with low incomes and/or periods of unemployment; or the families may be totally dependent on public assistance.

--In either case, it will be difficult to find adequate quarters a family can afford to rent or pay for, whichever procedure is adopted.

--The families face a future of continual financial crises regardless of where they move.

--The particular housing situations of the Navajo people cannot be duplicated in moving. Navajo people, especially the elderly, and those who have lived a long time in their particular locales, may be very reluctant to move. They are rooted to their homesites by strong emotional and spiritual ties, which relate both to interpersonal relationships and to a

feeling of attachment to a specific area of land and environment. In addition, traditional Navajos hold special religious beliefs about their places of birth and residence.

--The research data gathered on the 15 Navajo families evicted in 1972 has shown that relocation sometimes uncovers families which have severe problems of adjustment among family members, between families, and within the community. Problems these 15 families were experiencing prior to their relocation were exacerbated by their displacement. These problems had been hidden from community view for many years but have now been brought to public attention via the relocation process. It is essential that a full roster of social services be made available for the treatment of previously unknown problems which may be revealed at the time of relocation.

--The health needs and problems of the Navajos are diverse and acute, especially among the elderly due to degenerative conditions of aging and to inadequate resources in obtaining medical care.

--Relocation will disrupt the education of children by forcing them to move to unfamiliar locations where they must integrate with new peer groups. Steps are needed in order to facilitate their adjustment.

Group relocation should be an alternative open to communities that desire such. In no case would a potential relocatee simply be dropped; the relationship should not be terminated until some satisfactory adjustment to the new community has been made, irrespective of time.

In order to make sense out of the complicated pattern of need for services, a social service plan should be prepared for each household in order to identify the ones who need help. The purpose should be to make a careful diagnostic classification of family problems of individual families, to make a prognosis of the probability of a successful solution, and to work out a practicable service plan. To accomplish this, there is a need for one or more Navajo-speaking persons with professional training in social work who would be capable of making a diagnosis and of preparing a social service plan.

A social service plan in itself is insufficient unless there is a battery of resources to follow through, and unless there is commitment from social agencies and the relocation agency to provide the services called for. It may be necessary to provide additional resources to these agencies to make this possible. These agencies should provide assistance with the understanding that relocation is the highest priority for community action.

The problems which must be met by the relocation agency will be so diverse that widely varied resources should be on hand to meet them. With the kind of coordinated effort this demands, it is clear that the relocation agency should be centralized, continuous, and all-inclusive. In addition, it must have able leadership which is on an equal footing with the other divisions of the redevelopment agencies, if the needs of displaced households are to be served and the ill effects of relocation minimized.

Even when the best relocation methods are used, there will be harm done. But when relocation officials take their charge to "clear the site" literally, the harm may be grossly and unduly enlarged. Practices such as temporary moves to substandard housing, multiple relocation, withholding of information and valuable aids, unduly long or short periods between announcement and the move itself, and stringent procedures regarding benefits should be regarded as less than humane treatment and avoided by relocation officials.

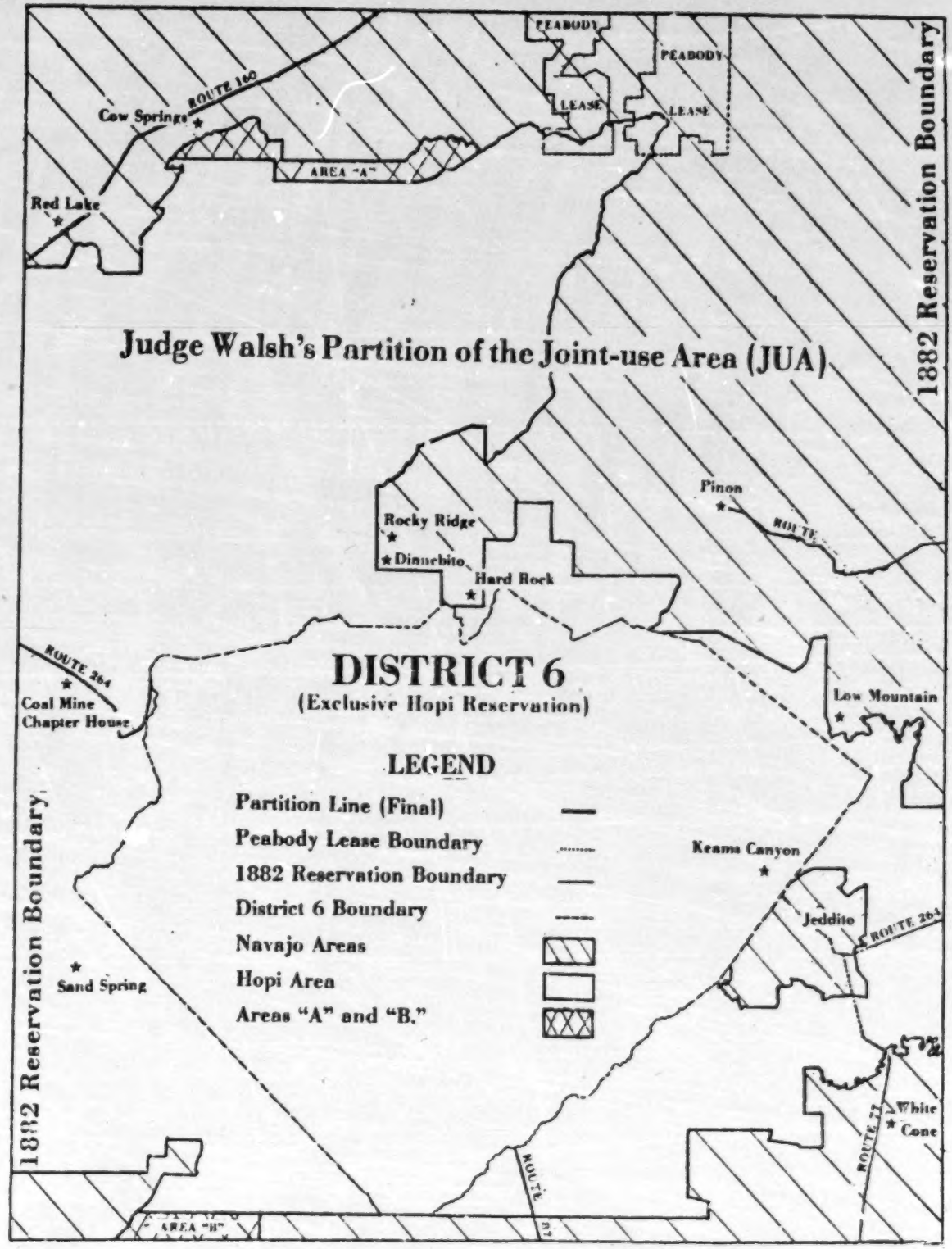
The success of any agency program depends, in large measure, on the personnel involved. The social agency, with the assistance of professional Navajo social workers, can be extremely useful in sensitizing relocation personnel to the particular needs of the potential Navajo relocatees. Too often training in human relations is theoretical and abstract. An opportunity to examine and analyze concrete problems encountered by the 15 Navajo families relocated in November 1972 can, under able leadership, deepen understanding and improve skills of those personnel designated to work with the potential Navajo relocatees in the Joint Use Area.

The crises in the lives of the Navajo residents of the Joint Use Area community brought about by relocation can be viewed as a positive force in the individual's life rather than as a catastrophe. This can happen with the coordination of the total community's social services provided by agencies and the individualized help of a social worker who understands the technique of working in a relocation setting.

For those persons who do not have serious problems, the adjustment can be an orderly and helpful process if their needs are met with sensitivity, understanding, and skill. This will happen if a built-in social service program functions. Two important ingredients in the process are the skill of the social worker and the availability and willingness of the social services resources within the community to respond to the need.

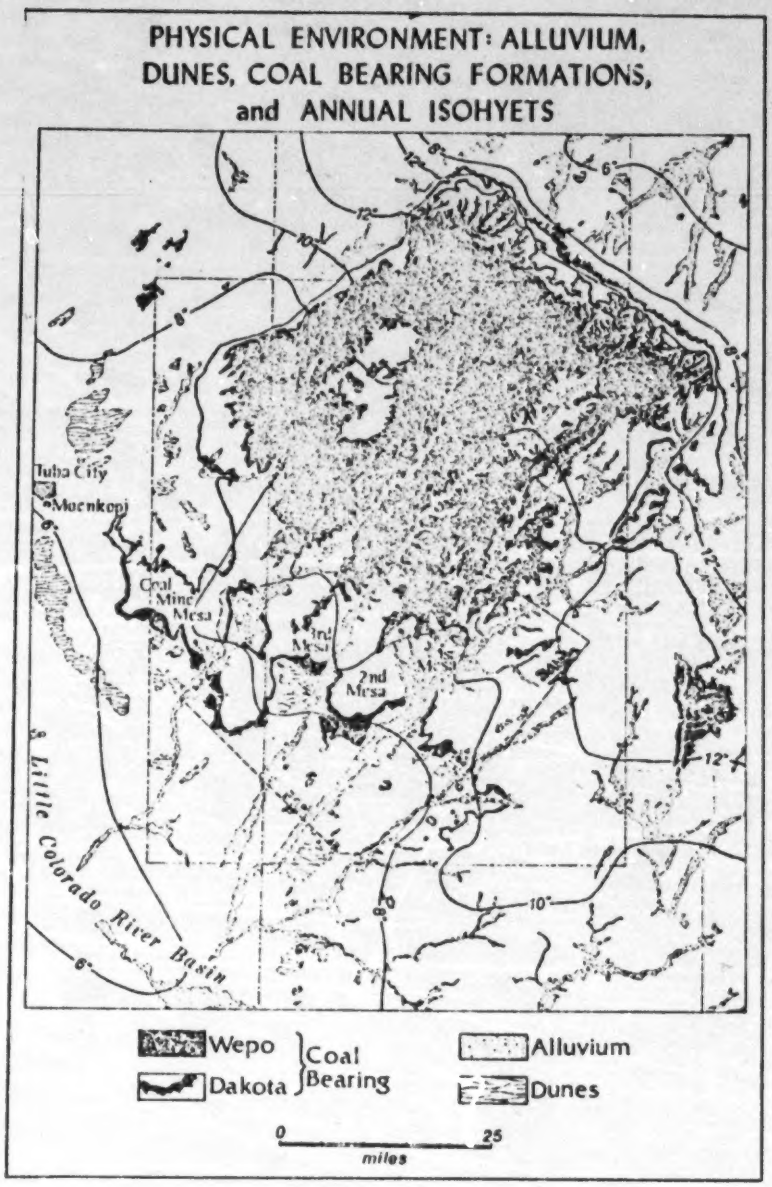
Relocation is a comparative newcomer to the social scene. However, it is highly feasible for the relocation agency, in unison with social agencies, to make important contributions by defining and developing new methods of alleviating the personal disorientation and distress which a forced move will engender among the Navajo people of the JUA. Services can be offered to Navajos which will enable them to face and experience relocation without undue hardship and, perhaps, even achieve lasting social improvement.

APPENDIX



Land Partition

Areas "A" and "B" shown on the partition map will become part of the Hopi Reservation. The final partition of the Navajo-Hopi Joint-use Area [JUA] was handed down by District Judge James Walsh on Thursday, Feb. 10.


PHYSICAL ENVIRONMENT: ALLUVIUM,
DUNES, COAL BEARING FORMATIONS,
and ANNUAL ISOHYETS
Tuba City
Moenkopi
Coal Mine Mesa
2nd Mesa
Little Colorado River Basin
6"
8"
10"
12"
Wepo
Dakota
Coal Bearing
Alluvium
Dunes
0
25
miles

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